VOLUME 2 NUMBER 1 WINTER 1998/99

IFAR Journal

INTERNATIONAL FOUNDATION FOR ART RESEARCH

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1998 TOP TEN THEFTS AND RECOVERIES

STOLEN PISSARRO FOUND AFTER 20 YEARS

WASHINGTON CONFERENCE ON HOLOCAUST ERA ASSETS

INCORPORATING Stolen Art Alert

IFAR *Journal*, ISSN 1098–1195, incorporating Stolen Art Alert is published four times each year by the International Foundation for Art Research, Inc., 500 Fifth Avenue, Suite 1234, New York, NY 10110. Subscription rates are $65 per year. PERIODICALS postage are paid at New York, NY 10036 and at additional mailing offices. POSTMASTER: Send address changes to the International Foundation for Art Research, Inc., 500 Fifth Avenue, Suite 1234, New York, NY 10110.

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IFAR wishes to acknowledge The Joe and Emily Lowe Foundation, Inc. for its generous grant in partial support of *IFAR Journal.*

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Erratum

In the article "True or False: Authenticating Egon Schiele—An *IFAR Evening* with Jane Kallir," *IFAR Journal*, Vol. 2, No. 1, Winter 1998/99, the photos for Figures 6 and 7 on p. 16 were transposed in printing. The correct pictures and caption are:

Figure 6. Egon Schiele. *Portrait of the Painter Max Oppenheimer*, 1910. Gouache, watercolor, ink, and black crayon on paper. 17¾" x 12½" (45.1 x 35.7 cm) Kallir D 588. Estate of Serge Sabarsky. Courtesy Galerie St. Etienne, NY.

Figure 7. Copy of *Portrait of the Painter Max Oppenheimer*, by a hand other than Schiele's own. Courtesy Galerie St. Etienne, NY.

Letters

TO THE EDITOR:

Lawrence M. Kaye in his recent article in the *IFAR Journal*[1] discussing the statute of limitations in art recovery cases states that the view that I expressed in a previous article[2] that the New York "borrowing statute" could have a "devastating effect" (I wrote "impact") on claims for Nazi-confiscated art is "unfounded." I respectfully submit that Mr. Kaye's discussion treats a potentially serious problem in a most superficial way and misses the point. Regardless of whether my concern proves correct or not, a more serious analysis of the issue is required.

Mr. Kaye cites two Federal cases as confirming the point that the "demand and refusal" rule is conclusive on the matter. The two cases are the *Elicofon* and *DeWeerth* cases. In *Elicofon* the art was stolen in 1945 and the action was instituted in 1969, twenty-four years after the theft. Thus, the "borrowing statute" was irrelevant because the suit was instituted within the 30 year German statute of limitations. Furthermore, the opinion of the Federal Court of Appeals for the Second Circuit (which was not cited by Mr. Kaye) held that the "statute of limitations was tolled under New York's judicially created 'non recognition' toll until 1974, when the United States first recognized the GDR [German Democratic Republic]."[3]

In the *DeWeerth* case, where suit was instituted thirty-seven years after the theft, the borrowing statute was not raised by the parties or the court, all apparently being unaware of the provision. Further, Mr. Kaye cites the 1987 decision in the *DeWeerth* case. He does not refer to the later *DeWeerth* opinions, the final one written in 1994.[4]

Furthermore, Mr. Kaye cites these Federal cases as support for the proposition that the New York Court of Appeals will disregard the applicability of the "borrowing statute" in a stolen art case. It should be noted that the Federal courts have, unfortunately, been consistently wrong in predicting what the New York Court of Appeals will decide as to the appropriate New York law. Thus, the Federal Court of Appeal was wrong in determining the scope of the demand and refusal rule to be applied in New York, as it subsequently conceded.[5] Further, the Federal District Court was wrong as to the meaning of the "borrowing statute,"[6] and the New York Court of Appeals had to correct the interpretation.[7]

Moreover, in a recent case, a Federal Judge, Charles S. Haight, Jr. of the Southern District of New York, followed the New York Court of Appeals in its *ABB* decision which applied the New York "borrowing statute" and held that it required dismissal of a malpractice suit against partners of a former prominent law firm.[8] As Judge Haight stated:

"The law of New York is for the New York Court of Appeals to interpret; the federal courts must adhere to that interpretation. ABB is an important decision that will adversely affect certain parties such as plaintiff; however, it cannot be said that it will wreak havoc on society, nor that it represents a dramatic shift in the law."

My purpose in writing the article was not to declare that the "borrowing statute" rule would certainly be a bar to any action to recover stolen art, including that of a "holocaust" claim. The purpose was to alert the public – and, in particular, the art community– about a recent decision which could have a serious impact on such claims, and that perhaps a statute could eliminate the problem. To claim that such concern is "unfounded" does, I think, miss the point and serves no useful public purpose in advising any claimant of stolen art.

Franklin Feldman

[1] Lawrence M. Kaye, "The Statute of Limitations in Art Recovery Cases: An Overview," Vol. I, 3 *IFAR Journal*, p. 22 (1998).

[2] Franklin Feldman, "New York's Statute of Limitations with Respect to Stolen Art on Holocaust Claims," Vol. I, 2 *IFAR Journal*, p.16 (1998).

[3] Kunstammlungen Zu Weimar v. Elicifon, 678 F. 2d 1150 (2d Cir), *aff'g* 536 F. Supp. 813 (1982).

[4] DeWeerth v. Baldinger, 38 F. 3d 1266 (2d Cir. 1994).

[5] See DeWeerth v. Baldinger, 38 F. 3d 1266 (2d Cir. 1994).

[6] See Insurance Company of North America v. ABB Generation, Inc., 92 F. Supp. 1053 (S.D.N.Y. 1996), where Federal District Judge Lewis A. Kaplan held – contrary to the subsequent New York Court of Appeals opinion – that the suit would not be barred. The certification by the Federal Circuit Court of Appeals to the New York Court of Appeals , requesting a proper interpretation of the New York "borrowing statute" is at 112 F. 3d 70.

[7] See Insurance Company of North America v. ABB Power Generation, Inc. 91 N.Y 2d 180 (1997).

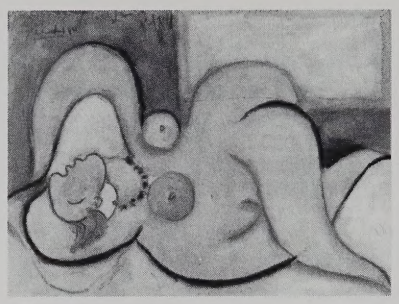
[8] See Durkin v. Shea, 95 Civ. 1932, 1998 U.S. Dist. LEXIS 14549 (decided September 17, 1998).

FORMER CALIFORNIA OPHTHALMOLOGIST INDICTED IN ART INSURANCE AND THEFT SCAM

In an update to a story covered in *IFARreports* in September 1992 and June 1997, a Los Angeles Federal Grand Jury in November named former Beverly Hills ophthalmologist, Steven G. Cooperman, in a sixteen count indictment of fraud and conspiracy relating to the theft and insurance of a Picasso and a Monet "stolen" from his home in 1992. Cooperman, who lives now in Fairfield, Connecticut, was not arrested and appeared in court in Los Angeles on January 11. Trial date was set for March 9; Judge Raffeedie will preside. Dr. Cooperman has said he will fight the charges. If convicted of all counts, he faces a maximum sentence of 120 years in federal prison and forfeiture of millions of dollars.

In a related case, James Tierney, Cooperman's friend and attorney, was charged on January 27 with one count of aiding and abetting wire fraud. He is accused of using a key and alarm code provided by Cooperman to enter Cooperman's home and remove the two paintings.

The case is the result of a six year investigation by the FBI and the IRS' Criminal Investigation Division. It includes a colorful and complicated mix of characters – unnamed in the indictment – and a multi-million dollar alleged scheme to defraud insurance companies by falsely reporting a theft. Dr. Cooperman, 56, whose medical



Pablo Picasso, *Nude Before a Mirror*, 1932. Falsely reported as stolen from the home of Steven G. Cooperman in 1992.

license was taken away in 1990, claimed that two paintings, Monet's *The Customs Officer's Cabin at Pourville* (1882) and Picasso's *Nude Before a Mirror* (1932), were stolen from his Brentwood home in July 1992. Despite "suspicious" elements, such as no sign of forcible entry, Cooperman filed a claim with two insurance companies for the $12.5 million for which he had insured the works. The paintings had reputedly been purchased for about $2 million in the 1980's. When the insurance companies balked at paying, Cooperman sued. He received an out-of-court settlement of $17.5 million. Ironically, the recent indictment was handed down in the same Los Angeles court six years to the day after Cooperman sued the insurance companies.

In June 1997, as reported in the *Cleveland Plain Dealer*, the two paintings were found unharmed in an air-conditioned storage locker in a Cleveland suburb. The locker was traced to James Little, a Cleveland lawyer and former law partner of James Tierney. Little was granted immunity from prosecution and has been the main witness against Cooperman. Several people – including Little's current wife, and his former wife, once a Los Angeles Police Officer who posed for *Playboy Magazine*, helped the police. Both have said they may try to claim the $250,000 reward from the insurance companies. They are not alone. A man whom Little's wife confided in about the theft and who broke the story to the FBI in hopes of receiving the reward, is also making a claim.

The indictment charges that Cooperman "knowingly and willfully conspired" to make a fraudulent theft loss claim and "to arrange with co-conspirators . . . to have the Monet and Picasso taken" from his house. In addition, Cooperman is charged with five counts of wire fraud (transfer of the illicit proceeds); interstate transportation of property obtained by fraud (one of the insurance checks); eight counts of money laundering; and one count that seeks the forfeiture of the proceeds related to the scheme.

STOLEN PISSARRO OIL PAINTING FOUND AFTER 20 YEARS

A March 24 trial date has been set in Cleveland, Ohio to determine the ownership of a 1902 Pissarro painting *Bassins Duquesne et Berrigny à Dieppe, Temps Gris*, that turned up on the cover of a catalogue from Wolf's Fine Arts Auctioneers in Cleveland twenty years after it was stolen. The painting of Dieppe harbor was scheduled to

be the centerpiece of an October 24 sale. It was pulled two days prior to the sale and taken into FBI custody when FBI agents notified Wolf's of problems in ownership. Contending for ownership are: The estate of Helen Stoddard, the original owner, who at the time of the discovery was 94 years old; Liberty Mutual Insurance Company, which is said to have paid approximately $90,000 to the Stoddards for the painting after the theft and by law of subrogation may be able to claim ownership; and the consigners of the painting, two Ohio businessman, Kenneth Bement and Daniel Zivko.

In an ironic twist, Mrs. Stoddard, who was "thrilled" to learn of the discovery of the painting, died only a few weeks later, on November 29. She did not live to see it restored to the wall above her mantle, as was her wish. Just before her death, Mrs. Stoddard amended her estate plan so that the painting would go to the Worcester Art Museum in Massachusetts. She and her husband, Robert, the former Chairman of both the Worcester *Telegram & Gazette* and of Wyman-Gordon Co., a manufacturing company in Worcester, were major supporters of the Museum. Mr. Stoddard was on the museum board, and Mrs. Stoddard was on the Members Council as well as a Docent Emerita. The Stoddards also donated several artworks to the museum, including three French 19th century paintings.

The Pissarro was stolen in June 1978 from the Stoddard home while Mr. Stoddard was asleep and his wife was in the hospital. Several other works were also taken, including two oils by

Camille Pissarro, *Bassins Duquesne et Berrigny à Dieppe, Temps Gris.* Recovered twenty years after it was stolen.

Renoir, watercolors by Pissarro and Turner, harbor scenes by Jongkind and Boudin, and other paintings by Avercamp and Hassam. Only the Pissarro oil has been found. The theft was reported at the time to the FBI, but no one was charged. The FBI is currently on the case, investigating how the painting got from the Stoddards to Jennifer Cornell, the person in Massachusetts who sold it to the consigners in the summer of 1996.

Camille Pissarro (1834–1903) was one of the founders of the Impressionist school and the only painter to exhibit in all 8 of the Impressionist Exhibitions. The stolen painting is an example of his late, Post-Impressionist style. His great-grandson, Joachim Pissarro, a Curator at the Yale University Art Gallery who is preparing a new catalogue raisonné of the artist's work, played a key role in this case. After he was telephoned by New York dealer William Beadleston, Pissarro contacted IFAR. Beadleston had recognized the painting on the cover of the auction catalogue because it was he who had sold the Stoddards new paintings after the 1978 theft. Joachim Pissarro, too, was aware of the painting's theft but not its subsequent history. He discussed his concerns with IFAR's Executive Director, Sharon Flescher. IFAR, in turn, checked with the ALR database, but the work was not registered. At the time of the theft in 1978, the IFAR Stolen Art Archive (now part of the ALR database) had just been created, and it was not yet widely known. When additional inquiries and a conversation with James Welu, Director of the Worcester Art Museum, verified that the painting at Wolf's was almost certainly the same work stolen from the Stoddards, Dr. Flescher alerted the FBI. This set the course in motion for the withdrawal of the painting from sale. Fortunately, Mrs. Stoddard was still alive to hear the good news.

Although Wolf's had done a careful search of the painting before it put it up for sale, its search had not uncovered anything suspicious. The work had fallen between several cracks. Wolf's was not implicated in the case, and Mrs. Stoddard's attorneys removed Wolf's name from the lawsuit to reclaim the painting.

The consigners of the Pissarro, who are not collectors, submitted the work to Wolf's apparently believing it to be a copy. They had purchased it together with two other paintings for only $5,000. Wolf's told IFAR in October that it was they who identified it as authentic. They estimated it for auction at $400,000-$600,000, although it is believed to be worth more. The consigners are contesting the Stoddard ownership claim, stating that the burden is on the Stoddards to prove this is the same painting that was stolen and that they and not the insurance company own it. In a deposition videotaped only two weeks before her death, Mrs. Stoddard asserted her owner-

ship of the painting, which she supported with documents and photographs. The Stoddard attorneys also videotaped a deposition from Joachim Pissarro identifying this painting as the one cited in Lionello Venturi's 1939 Pissarro catalogue raisonné and sold to the Stoddards by Knoedler & Company in 1951. Joachim Pissarro also noted in the deposition and again to IFAR that his great-grandfather would not have made two identical versions of the same scene; there were always slight variations.

If the Stoddard claim is successful, the painting will enter the Worcester Art Museum alongside the many other works in the museum made possible through the Stoddard's generosity.

MONET WATERLILIES LOOTED IN WW II BYPASSES LONDON AND RETURNS TO FRANCE

The 1904 Monet painting of "Waterlilies" that was recently identified as one of the works looted from the Paul Rosenberg collection during World War II, has bypassed its intended exhibition stop at London's Royal Academy and returned to France instead. The work had been lent by the Musée des Beaux Arts in Caen, France to the Boston Museum of Fine Arts for the blockbuster exhibit "Monet in the Twentieth Century," which closed on December 27. While in Boston, its ownership history became public. Although the Rosenberg heirs, who have now filed a formal claim in France for return of the work, gave permission for the painting to complete its exhibition tour in London, the

Claude Monet, *Waterlilies*, 1904. Identified as one of the works looted from the Paul Rosenberg collection during World War II.

French government asked to have it returned directly to France, making sure that any legal settlement would be handled there.

As documented in several books on Nazi art looting, Rosenberg, a noted Paris art dealer and collector, hid 162 valuable art works in a bank vault in Southern France in 1941. They were seized by the Nazis, and the Monet in question eventually ended up in the collection of Nazi Foreign Minister, von Ribbentrop. After the War, it was returned to France along with thousands of other works, 45,000 of which were subsequently returned to their original owners. The Monet, however, was one of about 2,000 "unclaimed" works later dispersed to French museums and exhibited as works "Recovered after World War II and placed in trust with the Musées Nationaux de France." France has recently come under criticism for not sufficiently trying to locate the original owners of these works.

The 1904 Monet is one of 48 belonging to the artist's second series of paintings inspired by the lily pond in his garden at Giverny. In this series, completed between 1903–1908, Monet narrowed his focus and eliminated the Japanese footbridge that had appeared in his earlier waterlily paintings. Ironically, this painting has been exhibited before in the United States. It was featured in the 1995 Monet retrospective at The Art Institute of Chicago. Indeed, the French government has pointed to this exhibit and others as proof that it was not trying to hide the work. But it was only recently that its connection to Paul Rosenberg became clear. Last summer, the Rosenberg heirs asked the Art Loss Register to help search for 58 of its missing paintings. In September, Sarah Jackson of the ALR made the "match" with the *Waterlilies* in Caen. Not realizing that the work would be part of the Boston exhibit, the family chose not to make its claim public at the time. In November, the ownership history became page one news through work by the *Boston Globe* and the scholar, Jonathan Petropoulos. It was the eve of the Washington Conference on Holocaust-Era Assets, and the French government was put on the defensive.

There is no consensus about what should be done with the other "unclaimed" works still in French museums: proposals range from selling them and giving the proceeds to the Jewish community of France, to establishing a museum in Israel to exhibit them, to keeping them on view as is, but trying more aggressively to locate their true owners. Those favoring this last suggestion point to the Rosenberg situation, saying that if such a major work from such a famous collection could have avoided being located all these years, there is still hope for other "matches."

GUILTY VERDICT IN MAJOR LONDON MODERN ART FRAUD TRIAL

The five-month-long trial of John Drewe and others accused in an elaborate scheme to forge and sell works by 20th century masters and tamper with archival records in the Tate and V&A in order to produce false provenances ended on February 12. Drewe, 50, was found guilty of two counts of forgery, and one each of theft, conspiracy to defraud, and using a false instrument "with intent." He received a 6-year jail sentence. An alleged accomplice, Daniel Stoakes, who claimed he was "fooled" into helping Drewe, was acquitted. Another accomplice, John Myatt, an impoverished artist who had admitted his involvement and testified against Drewe, was also found guilty.

The case, initially reported in *IFARreports* September 1996, is one of the most significant contemporary art frauds in memory. It has generated considerable attention because of the extent to which the forgers were willing to go to convince people of the authenticity of their fakes and the vulnerability of research archives to such tampering. The forged artists included Sutherland, Dubuffet, Giacometti, Nicholson, and de Stael. Major collectors, auction houses, and dealers in Europe and the U.S. were taken in.

The scheme was elaborate, ingenious, and chilling in its implications. From approximately 1987 to 1996, Drewe and his accomplices tampered with archives in the Tate Gallery and the Victoria & Albert Museum to enable them to document approximately 200 forged works, most of which were painted by Myatt. Myatt originally came to Drewe's attention when he took out an advertisement offering to produce "genuine fakes." He was paid about £250 per picture. He "aged" the paintings with the help of unorthodox materials, such as vacuum cleaner dust, salt water, and KY jelly. A team of "runners," many apparently believing the works were authentic, sold the paintings.

Drewe gained access to the Tate Archives in part by donating £20,000. The monetary gift was made after his initial offer to donate a painting was declined when suspicions arose as to its authenticity. In early weeks of the trial, representatives of the Tate admitted that they had been "bowled over" by Drewe's generosity and were hopeful that more money would be forthcoming. Once provided access, Drewe stole papers from the Archives, then copied and altered them to create or corroborate false provenances. But he was also clever enough to put fake documentation on authentic pictures as well — just to make things confusing.

In addition to falsifying documents, Drewe contacted families of dead artists to get them to authenticate the forged works. The scheme unraveled when Drewe's ex-girlfriend went to the police after he walked out on her. But several people had already become suspicious. Madame Françoise de Stael, widow of the artist Nicolas de Stael, testified at the trial that she was alerted when asked to authenticate a work by her husband that she believed wasn't his. Several bogus works by Ben Nicholson were red-flagged; one by Christie's, which relayed its suspicions to the police in 1996, another by a London dealer, Peter Nahum, who alerted the police in 1995 to a work he himself had bought but no longer believed to be authentic.

The scheme undermined the entire scholarly authentication process. Even serious researchers are unlikely to search beyond archives to verify documentary information. Authenticators — whether at IFAR or elsewhere — have learned to be suspicious of fake labels on the backs of frames or phony signatures. But few would have questioned information in major research libraries. Until now. Only 60 of the approximately 200 forged works have been located. There is no telling where the other works are or how it will ultimately affect the market for the artists involved.

"IN MEMORIAM"

Federico Zeri
1921–1998

Distinquished Scholar
Specialist in Italian Painting

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Washington Conference on Holocaust-Era Assets

Editor's Note:
Much has been written about the Washington Conference on Holocaust-Era Assets that took place in December. Hosted by the U.S. State Department, representatives from 44 countries and 13 organizations attended, although, as has been pointed out by critics, neither the press nor the families of Holocaust victims and claimants were invited. Undersecretary of State Stuart E. Eizenstat, who has taken an active role in this issue, was the senior government official representing the U.S. The 3-day Conference was followed by an all-day symposium at the National Archives in College Park, Maryland, which focused on resources and methodologies for researching information relating to Holocaust-Era assets.

Analyses of the conference have appeared elsewhere. Undersecretary Eizenstadt assessed it optimistically by noting that "on a number of substantive issues, [the] work at the Conference allowed us to make remarkable and historic progress that far surpassed even our greatest expectations." The Conference, however, revealed lack of unanimity on many issues, such as what should be done with art that has not been claimed, the so-called "heirless" art.

The Conference concluded with a list of eleven principles that were "endorsed by consensus" of the attendees, but not officially signed or agreed to. Like the recently announced guidelines and principles of the Association of Art Museum Directors (AAMD), published in entirety in the Fall 1998 issue of IFAR JOURNAL, *these principles are non-binding. As a service to our readers, we print them here in their entirety:*

PRINCIPLES WITH RESPECT TO NAZI-CONFISCATED ART

In developing a consensus on non-binding principles to assist in resolving issues relating to Nazi-confiscated art, the Conference recognizes that among participating nations there are differing legal systems and that countries act within the context of their own laws.

I. Art that had been confiscated by the Nazis and not subsequently restituted should be identified.

II. Relevant records and archives should be open and accessible to researchers, in accordance with the guidelines of the International Council on Archives.

III. Resources and personnel should be made available to facilitate the identification of all art that had been confiscated by the Nazis and not subsequently restituted.

IV. In establishing that a work of art had been confiscated by the Nazis and not subsequently restituted, consideration should be given to unavoidable gaps or ambiguities in the provenance in light of the passage of time and the circumstances of the Holocaust era.

V. Every effort should be made to publicize art that is found to have been confiscated by the Nazis and not subsequently restituted in order to locate its pre-War owners or their heirs.

VI. Efforts should be made to establish a central registry of such information.

VII. Pre-War owners and their heirs should be encouraged to come forward and make known their claims to art that was confiscated by the Nazis and not subsequently restituted.

VIII. If the pre-War owners of art that is found to have been confiscated by the Nazis and not subsequently restituted, or their heirs, can be identified, steps should be taken expeditiously to achieve a just and fair solution, recognizing this may vary according to the facts and circumstances surrounding a specific case.

IX. If the pre-War owners of art that is found to have been confiscated by the Nazis, or their heirs, cannot be identified, steps should be taken expeditiously to achieve a just and fair solution.

X. Commissions or other bodies established to identify art that was confiscated by the Nazis and to assist in addressing ownership issues should have a balanced membership.

XI. Nations are encouraged to develop national processes to implement these principles, particularly as they relate to alternative dispute resolution mechanisms for resolving ownership issues.

An IFAR Miró Authentication in the "Age of Mechanical Reproduction"

Figure 1. Joan Miró, *El Sol.* Silkscreen on canvas. 47" x 68". Presented to the Art Authentication Service at IFAR. Private Collection, Upstate New York

A LITTLE KNOWN MIRÓ PROJECT ALSO INVOLVED CALDER, MATISSE, AND MATTA

For Joan Miró (b.1893–d.1983), as for many of his peers, the late 1940's were years of increased involvement and experimentation with various forms of "mechanical" or "reproducible" mediums including printmaking, book illustration, and bronze sculpture. A work recently submitted to IFAR's Art Authentication Service sheds light on a little-known, though intriguing project of this type undertaken by Miró between 1948 and 1949, and that also involved Alexander Calder, Henri Matisse, and Roberto Matta (Antonio Sebastián Echaurren).

IFAR was presented with a large-scale canvas, measuring four by six feet, on which typically Miróesque forms – including stars and personages – appear in pure colors (black, red, yellow, blue and green) upon a light blue-green brushy background (Fig. 1 and cover photo). Presented on a stretcher with a simple painted strip frame, the work has the appearance of a traditional, albeit large, oil painting. Consequently, the work was submitted to IFAR with questions as to its attribution, but not medium. As an oil painting on canvas, the attribution of the work to Miró seemed questionable, since the image does not appear in Jacques Dupin's definitive catalogue raisonné of the paintings[1] and because the inscription "MIRO," in plain block letters on the canvas verso (Fig. 2), does not resemble Miró's varied, but distinctive, signature.[2] As Dupin's volume is not entirely comprehensive, IFAR checked a variety of other sources – including auction and exhibition catalogues and image files[3] – but was unable to locate a reproduction of the work there either.

The work is undated but is stylistically comparable to many paintings executed by Miró from the mid-1940's to mid-1950's.[4] The relative simplicity of the composition and scale of the figures to the background are, for example, particular to this period, as are motifs such as the head rendered in simple outline with three hairs, and the simple red disk, representing the sun. Based on this stylistic evidence, IFAR was able to narrow the chronological parameters of its search and, after checking a number of articles and reviews, sucessfully located a reproduction of what was unmistakably the same composition in an issue of *Arts & Architecture* magazine from 1949.[5]

The article, written by James Thrall Soby, then Vice Chairman of The Museum of Modern Art's Collections Committee, announces a commercial venture undertaken by Katzenbach

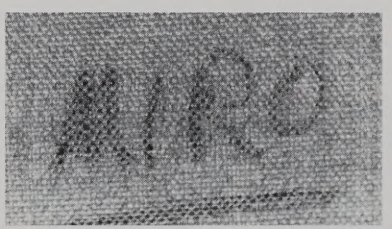

Figure 2. Joan Miró, *El Sol,* Silkscreen on canvas, verso, inscription on lower left. Private Collection, Upstate New York

[1] Jacques Dupin, *Joan Miró: Life and Work* (New York: Harry N. Abrams, Inc., 1962).

[2] Dupin 1962, pp. 478-479.

[3] IFAR is grateful to the Department of Painting and Sculpture at The Museum of Modern Art, New York for permitting access to research files compiled for the major retrospective held there in 1993.

[4] See, for example, Dupin 1962, p. 527 (nos. 561, 569).

[5] James Thrall Soby, "Mural-Scrolls," *Arts & Architecture* vol. 66, no. 4 (April 1949), unpaginated [p. 27].

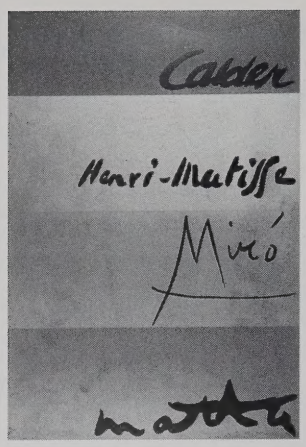

Figure 3. Cover, *Mural Scrolls: Calder, Matisse, Matta, Miró.* Portfolio.

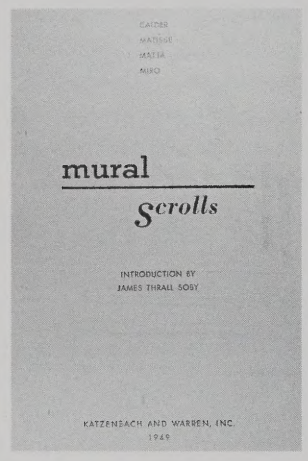

Figure 4. Title page, *Mural Scrolls: Calder, Matisse, Matta, Miró.* Portfolio.

Figure 5. Joan Miró, *El Sol*, miniature 6¾" x 10"(silkscreen on canvas, mounted on burlap) in *Mural Scrolls: Calder, Matisse, Matta, Miró.* Portfolio.

and Warren, Inc. (a wallpaper manufacturing company)[6] to produce "Mural-Scrolls," large-scale decorative silkscreens on canvas from "original designs by recognized non-commercial artists." Calder, Matisse, Matta and Miró – all of whose designs were reproduced in the article – were the first four artists to participate in the project, and it was intended (although not carried out) that other artists including Picasso and Braque (see below)would follow. According to Soby, the "Mural-Scrolls" were to be sold "in limited editions of two hundred copies, available by advance subscription."[7] The caption for Miró's "Mural-Scroll" identifies it by the title "El Sol," and informs the reader that, "[t]he full-scale reproduction measures 4 feet in height by 6 feet in length."[8]

As the composition, dimensions, and support described in the Soby article matched the work under examination, IFAR pursued the "Mural-Scroll" project further, learning that Soby's article was, in fact, excerpted from the text of a twelve-page oversized portfolio published by Katzenbach and Warren, Inc. in 1949.[9] In addition to the introduction by Soby, this volume contains statements by the artists, a description of the silk-screen technique, and miniature samples of the four designs "printed in the exact color by silk-screen process"[10] and, in the case of the Miró, on the same canvas that would be used for the full-scale reproduction (Figs.3–8) It further states that each full-scale edition would be supervised by a committee including Matta and Pierre Matisse, who was Miró's New York dealer since the early 1930's[11] and also represented Matta, Henri Matisse (his father), and, during the 1930s, Alexander Calder as well. The final works would be accompanied by "a numbered certificate signed by the artist."[12] The price quoted in the portfolio for each Miró would be $360, a not insignificant sum at the time.

If such a "numbered certificate" once accompanied the work at IFAR, it no longer exists. The present owner acquired this work in 1997 with no clear provenance and no certificate. In lieu of such identifying evidence, IFAR turned to an examination of the canvas itself to ascertain whether it was, in fact, a "Mural-Scroll." A stamp which appears in the lower right corner of the full-scale work (Fig. 9) – "mS" in a circle – matches that which appears in the corresponding location on the miniature sample in the 1949 portfolio (Fig. 5). It is clear from the title page of the 1949 portfolio, where

[6] The company, founded by William E. Katzenbach and Phelps Warren in 1928, specialized in high-end wallpaper designs. It was sold in the early 1960s and subsequently changed hands several times, surviving today in name only as part of Imperial Home Design. Its archives apparently no longer exist. IFAR is grateful to Joanne Warner, Curator, Wallcoverings Department, Cooper-Hewitt National Design Museum, Smithsonian Institution and to Lee Bowman and Michelle Mathews of Imperial Home Design for their help in providing information about this company.

[7] Soby, *Arts & Architecture* 1949, unpaginated, [p. 26].

[8] Soby, *Arts & Architecture* 1949, unpaginated, [p. 27]. The other artists' works were: Matta: "Sun-Dice," Matisse: "Arbre en fleur," Calder: "A Piece of my Workshop."

[9] James Thrall Soby, "Introduction," *Mural Scrolls: Calder, Matisse, Matta, Miro* (New York: Katzenbach and Warren, Inc., 1949). Copies can be found in the library of the Museum of Modern Art, New York and the Cooper-Hewitt National Design Museum, Smithsonian Institution.

[10] *Mural Scrolls* 1949, unpaginated [p. 2].

[11] Anne Umland, "Chronology," *Joan Miró* (New York: The Museum of Modern Art, 1993), p. 330.

[12] *Mural Scrolls* 1949, unpaginated [p. 2].

the word "mural" appears with a lower-case "m" and "Scrolls" with an upper-case "S" (Fig. 4), that the "mS" of the stamps was intended to correspond with "mural *Scrolls*." Whereas the stamp on the miniature stands alone, that which appears on the full-scale canvas is followed by a hand-written "#6" which would imply that it is the sixth silkscreen in the edition.

A comparison of the full-scale work and that of the miniature sample further confirmed the work's identity. The weight and grain of the two canvases are identical (documents indicate they were made by A.C. Friedrichs Company), and the overall color schemes correspond. IFAR had a question initially, however, as to whether the large canvas was actually a silkscreen. Although the seemingly hand-rendered, painterly appearance of the background also appears in the miniature, it is far more striking in the full-scale version. Upon examination, Margaret Holben Ellis, Chairman, Conservation Center, Institute of Fine Arts, New York University and a member of IFAR's Art Advisory Council, confirmed that the work was definitely produced by the silkscreen process. This was clear from the absence of brush strokes or impasto in the large flat areas of color, and was best observed in the areas where the thin black lines cross each other. The three black star motifs, for example, show no evidence of intersecting brush strokes, as would be the case if the paint were applied by hand and not by the silkscreen process. She suspected that the "brushy" background effect was the product of a photomechanical image of painted canvas, applied as the first layer of the silkscreen process, over which each color would subsequently have been applied as a separate layer.

In addition, IFAR was initially concerned about a marked difference between the background colors of the portfolio miniature and the work under examination: whereas that of the miniature is a light aqua (blue), that of the full-scale canvas is a somewhat deeper blue with a greener cast. This discrepancy may be explained by the condition of the large canvas which is overall quite bad. Its surface is marred by marks, accretions and off-color patches resulting from restoration in areas which correspond with tears visible on the back. As the work had clearly not been stored in optimal conditions, IFAR hypothesized that the greenish appearance of the background in the full-scale work may have resulted from exposure since, by contrast, the miniature examined by IFAR in the Library of The Museum of Modern Art had been protected by the closed portfolio and stored in a dark, flat file. A publication by Lois and William Katzenbach of 1951 describes the background of Miró's "Mural-Scroll" as "sky blue,"[13] confirming that the appearance of the miniature remains truer to the original.

Having little remaining doubt that the work in question was, indeed, a "Mural-Scroll," IFAR sought information about Miró's original design for "El Sol," and whether the full edition of two hundred silkscreens had actually been produced, and whether other examples were extant. Jacques Dupin informed IFAR that one edition is in the collection of Fundació Pilar i Joan Miró, Palma de Mallorca (the artist's former studio).[14] This edition bears the "mS" stamp followed by the number "14" and, according to Mr. Dupin, was probably sent to Miró by Pierre Matisse as an example of the series. Upon receipt,

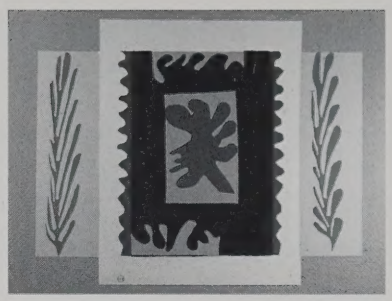

Figure 6. Henri Matisse, *Arbre en fleur*, miniature 8" x 12" (silkscreen on canvas, mounted on burlap) in *Mural Scrolls: Calder, Matisse, Matta, Miró*. Portfolio.

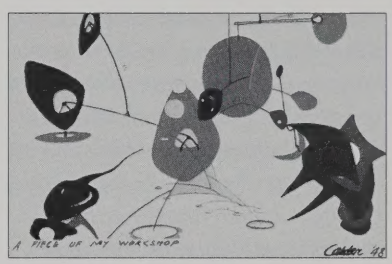

Figure 7. Alexander Calder, *A Piece of My Workshop*, miniature 8" x 12" (silkscreen on canvas, mounted on burlap) in *Mural Scrolls: Calder, Matisse, Matta, Miró*. Portfolio, Collection, Library, Museum of Modern Art, New York

the artist apparently rolled up the unstretched canvas for storage, the state in which it remained until it was recently examined by the Fundació. It was not until IFAR's investigation that this work was recognized as an example of the "Mural-Scroll" project.

IFAR learned of another edition, numbered "5," now in the collection of the Department of Prints and Illustrated Books at The Museum of Modern Art, New York. This version was presented to the Museum as a gift from James Thrall Soby in 1950.[15]

[13] Lois and William Katzenbach, *The Practical Book of American Wallpaper* (Philadelphia and New York: J. B. Lippincott Company), 1951, p. 72.

[14] IFAR is very grateful to Jacques Dupin for his help with this project.

[15] We would like to thank Deborah Wye and Starr Figura of the Department of Prints and Illustrated Books, The Museum of Modern Art for providing information about the Museum's edition.

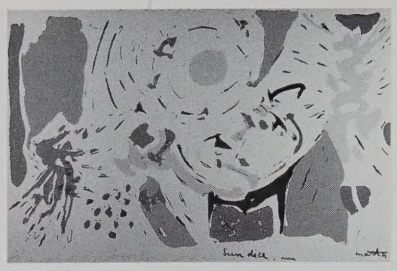

Figure 8. Matta, *Sun-Dice*, miniature 8" x 12⅛"(silkscreen on canvas, mounted on burlap) in *Mural Scrolls: Calder, Matisse, Matta, Miró. P*ortfolio.

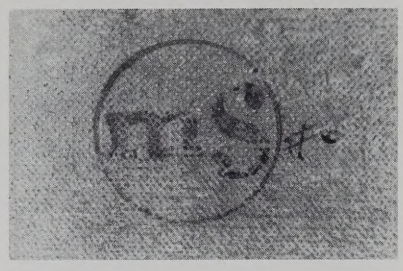

Figure 9. Detail, lower right, Joan Miró, *El Sol*, Silkscreen on canvas. Mural-Scroll stamp. Private Collection, Upstate New York

Figure 10. Joan Miró. Sketch for a Mural-Scroll. The Pierre Matisse Gallery Archives. Gift of the Pierre Matisse Foundation, 1997. The Pierpont Morgan Library, New York. MA 5020.

"PICASSO AND BRAQUE WERE TO BE INVITED IF EITHER MIRÓ OR MATISSE DECLINED"

Two of the three known editions of Miró's "El Sol," then, survive in institutions which have direct historical ties with the project itself: the Fundació with the artist and MoMA with Soby. It was not altogether surprising, therefore, to find that the archives of the Pierre Matisse Gallery (now located in The Pierpont Morgan Library), contain material pertaining to this project.[16] This material revealed, among other things, that the original idea for the project was suggested by Matta, whose design was selected and reproduced first, and that Picasso and Braque were to be invited if either Miró or Matisse declined.[17] The documents also indicate that each artist was asked to submit three original designs, one of which was selected by the "Mural-Scroll" editorial board and retained with all rights by Katzenbach and Warren.[18] The other two were returned to the artist.[19] Although Miró's original design has not been found, a photograph of it is included in the Matisse archives (Fig. 10) It is virtually identical to the portfolio miniature, but the artist's pencil lines are clearly visible as are his brushstrokes. The sketch is neither signed nor dated, but correspondence makes clear that it was created between June and October 1948. The editorial board made its selection in October.[20]

Katzenbach and Warren, Inc. exhibited the Calder, Matta, Matisse and Miró "Mural Scrolls" at their 49 East Fifty-Third Street Manhattan showroom in April 1949.[21] Prior to this exhibition, the company distributed a circular to prospective clients accompanied by an order form announcing that the "Mural Scrolls" would be "ready for shipment in January or February of 1949."[22]

The "Mural-Scroll" project came at a point in Miró's career in which he expanded his interest in both murals and print-making. His vast mural for the Terrace-Plaza Hotel in Cincinnati in 1947, produced during his first stay in America, was followed in the 1950's by his Harvard and UNESCO murals.[23] During his 1947 American visit, Miró was active in Stanley William Hayter's New York workshop where he extended his knowledge of

[16] The Pierre Matisse Gallery Archives were donated by The Pierre Matisse Foundation to The Pierpont Morgan Library in 1997 and were made available to the public in January 1999. IFAR is grateful to Robert E. Parks, Curator of Historical and Literary Manuscripts at The Pierpont Morgan Library, for his help on this project. The collection contains three folders relating to the Katzenbach and Warren "Mural-Scroll" project.

[17] Matta's role is indicated in a letter from Katzenbach to Pierre Matisse dated June 7, 1948; Picasso and Braque are mentioned in the Minutes of the Editorial Board for Mural-Scrolls meeting held on June 3, 1948. (Pierre Matisse Gallery Archives, Katzenbach and Warren files, B 176 31, The Pierpont Morgan Library).

[18] The contract agreement drawn up in June 1948 gave Katzenbach and Warren "all right, title and interest" in the mural panel design.

[19] A letter from Katzenbach to Pierre Matisse dated December 6, 1951 notes that the two designs ("maquettes") were returned to Miró, although the artist apparently claimed not to have received them. (Pierre Matisse Archives, Katzenbach and Warren files, B 176 31, The Pierpont Morgan Library).

[20] The title "El Sol" was given later, between October 20, 1948 and February 1949. Correspondence makes clear that the Board intended Miró to sign his design, but he was not available to do so. (Calder's and Matta's miniatures, however, were signed.)

[21] According to a contemporaneous review, this exhibition closed on April 15, 1949 ([no author], "Series of Murals for Homes Shown: 4 Designs by Famous Artists to be Reproduced in Full Scale on Canvas," [newspaper unknown, "1949" handwritten on clipping in the Cooper-Hewitt file on Katzenbach and Warren]). Installation shots of the four "Mural Scrolls" are reproduced in Soby's *Arts & Architecture* 1949 article, (unpaginated [p. 26]). Although the location is not identified, it seems safe to assume that the photographs depict the Katzenbach and Warren, Inc. showroom, in which case, for the photographs to have been reproduced in the magazine's April 1949 issue, the exhibition must have opened at least by March 1949.

[22] Per order form for Matta's "Sun-Dice" located in the Cooper-Hewitt's file.

[23] Miró's mural projects of this period are discussed in Barbara Rose, *Miró in America*, exhibition catalogue (Houston: Museum of Fine Arts, 1982).

intaglio printmaking and the scope of his activity in prints and illustrated books, which in this period also included significant production with the European publishers Aimé Maeght and Gérald Cramer.[24]

Given the extent to which Miró was involved in both mural production and printmaking in the late 1940's, the fact that the "Mural-Scroll" project does not appear in either the basic Miró scholarship, or in that concerned with his multiples, is a significant omission. Miró could just as easily have been writing about his mural projects or printmaking activities when he wrote:

> I am happy to collaborate with Mural-Scrolls, which presents a possibility of going beyond the pure speculation of easel painting, and all the anecdotes of capricious line, nuances of color, etc., so as to work more freely and capaciously, addressing oneself in a more direct way to men in the collaboration, so humble and so full of grandeur, of the painter, the artisan and the technician, and in that state of splendid individual anonymity which marked the great epochs of antiquity.[25]

We do not know how many of the intended edition of two hundred *El Sol* "Mural-Scrolls" were ultimately produced. We do know that there were at least fourteen (the edition in Palma de Mallorca being the fourteenth) and that the full edition was never reached due to insufficient demand. But orders were still coming in when the initial ten-year contractual period ended, causing Katzenbach and Warren to extend the agreement with Miró.[26]

It seems reasonable to speculate that the absence of other surviving "Mural-Scroll" copies is related to their original mode of installation. As stated in the 1949 portfolio, "Mural-Scrolls" were "intended either for direct application to the wall like a scenic wallpaper or for hanging in scroll form like a Chinese ancestor painting."[27] The work examined at IFAR is atypically attached to a stretcher, in the manner of a traditional oil painting, which probably accounts for its present day survival; giving it the appearance of a large-scale easel painting rather than a mass-produced (albeit limited edition) wall covering. Indeed, it was because of its resemblance to a traditional oil painting that the work was brought into IFAR for authentication.

With the exception of this example, and those in the Miró Foundation and MoMA collections, little effort seems to have been made to preserve these works whose identity wavers somewhere between fine art and interior decoration (wallpaper), artistic and commercial production, original work of art and multiple. It is probably due both to the commercial nature of the project, and to its association with interior decoration, moreover, that the "Mural-Scroll" project does not appear in the Miró literature. It is, however, the hybrid nature of this project, occupying an experimental position between traditional categories, which causes the "Mural-Scrolls" to appear particularly interesting to us today.[28]

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Research Associate, IFAR
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Institute of Fine Arts

[24] For an overview of Miró's printmaking activity, see Deborah Wye, "Miró Prints & Books from New York Collections," exhibition brochure (New York: The Museum of Modern Art, 1993).

[25] "Statements," *Mural Scrolls*, op. cit., unpaginated [p. 5]. The Pierre Matisse Gallery Archives [The Pierpont Morgan Library] contain the original French version of this preface dated 25 September 1948.

[26] The agreement drawn up in June 1948 called for the works to be sold for a ten year period, ending in February 1959. The contract also spelled out the artists' royalties (15% of the net, plus extra for Matta for his supervisory role), and a $500 payment to each artist for the original designs. A letter from William Katzenbach to Pierre Matisse dated September 26, 1960 extends the contract indefinitely noting that they "were a long way from reaching the 200" in the edition. The last royalty payment noted in the Matisse files was for a Miró ordered in December 1960. (Pierre Matisse Archives, Katzenbach and Warren folder, B176 32. The Pierpont Morgan Library).

[27] Mural Scrolls 1949, unpaginated [p. 2].

[28] It is to her credit that, despite, or, perhaps, due to the odd status of this mural, Deborah Wye included the MoMA edition in the exhibition, "Miró Prints & Books from New York Collections," The Museum of Modern Art, New York (October 17, 1993 – January 11, 1994).

True or False: Authenticating Egon Schiele
An *IFAR Evening* with Jane Kallir

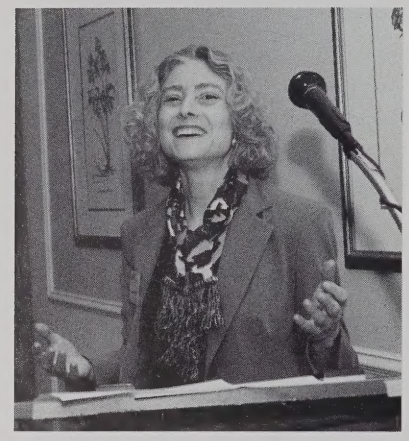

Figure 1. Jane Kallir.

IFAR inaugurated its new season of IFAR Evenings on November 19 with a fascinating talk on Egon Schiele by Jane Kallir. (Fig. 1) Co-Director of the Galerie St. Etienne in New York, Ms. Kallir is the author of the revised and expanded catalogue raisonné of Schiele's work in all media, recently published by Harry N. Abrams, Inc. The new catalogue incorporates the material of all previous catalogues of Schiele, including the catalogue raisonné of paintings first compiled by her grandfather, Otto Kallir, in 1930 (revised 1966), and Ms. Kallir's own catalogue of the drawings and watercolors in 1990. For her publications, she had access to all her grandfather's files, dating back to the 1920s.

Although the focus of the talk was on connoisseurship, and not on Holocaust era claims related to the Schiele works recently exhibited at the Museum of Modern Art in New York, which have been much in the news, Ms. Kallir did make the point that if it were not for Otto Kallir's early documentation of Schiele's work, it would not be possible to substantiate the Holocaust era claims today. Mr. André Bondi, whose family has claimed one of the Schiele's from the MoMA exhibit, was in the audience.

Ms. Kallir noted that Schiele has been faked at least since his death at the age of 28 in 1918, and possibly even in his lifetime. His output was prodigious, amounting to more than 3,000 works. To compile the enormous documentation needed for the catalogue, Ms. Kallir used a specially customized database.

Ms. Kallir prefaced her remarks by addressing a sensitive issue: the perceived conflict of interest of a dealer compiling a catalogue raisonné – a conflict that IFAR has focussed much attention on over the years. But Ms. Kallir believes that this concern is unjustified since dealers/ galleries often have access to the artist's papers and intimate knowledge of the artist's work, as is certainly the situation in her family. Dealers are also accustomed to making judgments of authenticity on a regular basis. She did admit, however, that a dealer, like any expert, has to be particularly vigilant about policing his own blind spots and developing objectivity. She also spoke of the difficulty of compiling a catalogue raisonné: the years of tedious labor, the problems of finding a publisher, and the time, labor and costs involved, which are never really recouped.

The slide talk – a solid lesson in connoisseurship – was structured via side by side comparisons of authentic and inauthentic Schieles, not all of which were legally forgeries. That is, some were not necessarily *intended* to deceive, but might have simply been misattributed. Ms. Kallir tried to give the flavor of how she makes decisions, a methodology she tries to make as "transparent" as possible by giving "reasoned opinions . . . that express as clearly as possible, in words, what [her] eye observes."

Going one by one with the comparisons, Ms. Kallir pointed out what – to her trained eye at least – looked like obvious fakes: Two nude girls, for example, shared the same veiled eroticism, but compared to the genuine Schiele, the fake was "unbalanced." Two male portraits were shown side by side, the authentic one dating from 1912, and the fake displaying an "exaggerated intensity," akin to "Frankenstein." This comparison was an example of the forger's tendency to exaggerate Schiele's "salient characteristics."

One very interesting comparison concerned a well-known Schiele watercolor double portrait of *Two Girls* dating from 1911 [in the Albertina Museum in Vienna]. The fake, containing only one figure, is a "copy" of the girl on the left. But its crude, awkward rendering easily distinguishes it from the original. It's not clear whether it was *intended* to deceive, or was just a fan's hommage. But, if the lesser quality of the work were not enough to distinguish it, knowledge of Schiele's working methods would do so. The copy could not be a "study" for the watercolor, since Schiele didn't do studies as such for his works on paper; nor could it be a second version of the Albertina water-

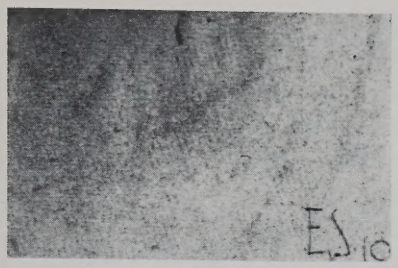

Figure 2. Forged 1910 Egon Schiele signature. Courtesy Galerie St. Etienne, NY.

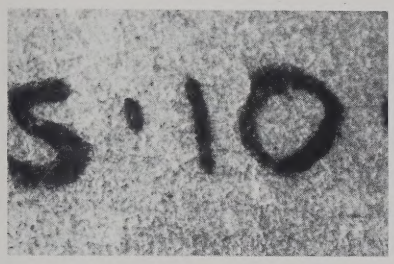

Figure 3. Authentic 1910 Egon Schiele signature. Courtesy Galerie St. Etienne, NY.

color, since when he did second versions, he "varied" them, and this single girl is too close a copy of the original figure.

Another slide comparison dealt with Schiele's signature in 1910. Two signatures were juxtaposed. The fake signature (Fig. 2) had "no rhythm, no design;" whereas the authentic signature (Fig. 3) – S.10. – shows Schiele using the punctuation as an actual design element. Interestingly, however, the presence of a phony Schiele signature on a work does not, according to Ms. Kallir, necessarily mean that the work is inauthentic. Schiele didn't sign all of his drawings, and sometimes an authentic work has a false signature. These false signatures may have been added many years ago, but went undetected until the value of Schiele's work began to increase.

Ms. Kallir showed one "trick" comparison: *Self Portrait with Spread Fingers* (Fig. 4) next to *Youth Kneeling before God the Father* (Fig. 5). Both oils date relatively early in Schiele's career and share similar decorative qualities. While the *Self Portrait* is undisputedly a Schiele, the *Youth Kneeling* is a controversial work. Not included in the original Kallir catalogue raisonné of 1930 or the 1966 revision, but accepted as a Schiele by the Austrian expert, Rudolf Leopold, the work was sold in 1987 at Christie's in London for approximately 750,000 dollars and was acquired by a Mme de Balkany. Jane Kallir was consulted a few years later, after her first catalogue raisonné appeared. Ms. Kallir felt that there was "something wrong" with the paint surface and signature, and that the provenance was not definitive. If it was a Schiele, it dated from pre 1910, that is, before Schiele developed his distinctive mature style. Forensic tests revealed that as much as 96% of the surface was repainted. Mme. de Balkany wanted her money refunded and sued Christie's. When the case came to trial in London about 4 years ago, Ms. Kallir testified saying that she couldn't

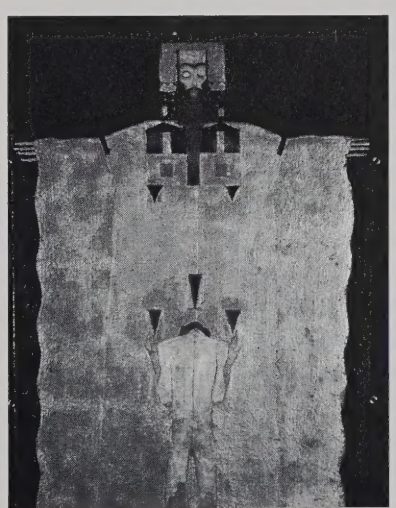

Figure 5. Egon Schiele. *Youth Kneeling Before God the Father*, 1909. Oil and metallic paint on canvas. 31¼" x 23⅜" (79.5 x 59.5 cm). Kallir. P 152. Courtesy Galerie St. Etienne, NY.

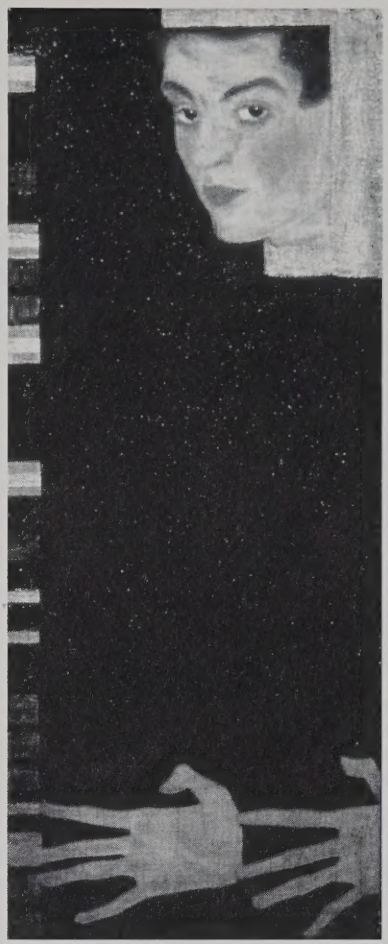

Figure 4. Egon Schiele. *Self-Portrait with Spread Fingers*, 1909. Oil and metallic paint on canvas. 28⅛" x 101⅞" (71.5 x 27.5 cm). Kallir P. 152. Courtesy Galerie St. Etienne, NY.

SCHIELE HAS BEEN FAKED AT LEAST SINCE HIS DEATH ... IN 1918, AND POSSIBLY EVEN IN HIS LIFETIME.

Figure 6. Egon Schiele. *Portrait of the Painter Max Oppenheimer*, 1910. Gouache, watercolor, ink, and black crayon on paper.

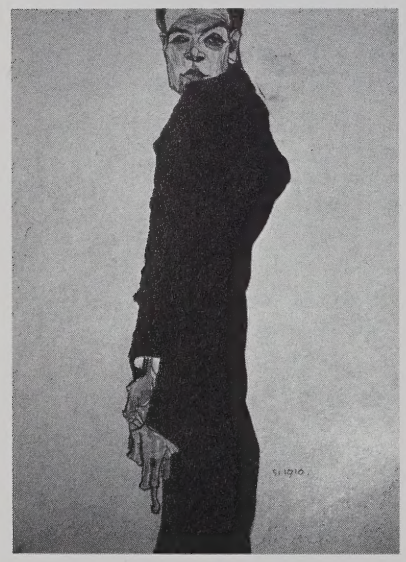

Figure 7. Copy of *Portrait of the Painter Max Oppenheimer*, by a hand other than Schiele's own. Courtesy Galerie St. Etienne, NY.

make an authenticity decision based on the 4% of the work that was not overpainted. The judge agreed. Mme. de Balkany received her full purchase price back, plus interest and court costs.

In one comparison after another, Kallir showed how intimate knowledge of Schiele's work allowed her to discern the "true" Schiele from the "fake." In one watercolor comparison, Schiele's *Portrait of Max Oppenheim* (Fig. 6), 1910, was juxtaposed with a copy (Fig. 7), in which the black suit was painted blue and the date changed from 1910 to 1911. But, Kallir asked, did the copyist really think he could fool us with a later date, when this work (based on general style and subject) could *only* have been painted in 1910, and the suit could *only* have been black? Schiele's works of 1910 are very different from those of 1911. According to Kallir, Schiele's works, his drawing style, coloring style, and signature style all progress in sequence. Forgers usually don't get all these elements right.

In another comparison, the give-away for the forgery was the lack of control of the paint due to the forger's use of the wrong paper; on the real work, the color sits on top of the sheet, rather than absorbed into it. Schiele's use of non-porous paper facilitates the spontaneous flow of his paint – a detail almost impossible for forgers to duplicate. Still another forgery used phony labels to construct a provenance. But the labels allude to a Munich gallery that Kallir never heard of. It was part of an elaborate scheme to defraud, but despite the subsequent involvement of the FBI, and the discovery of the typewriter used to fake a letter of authentication, the perpetrators were never indicted.

Kallir ended her talk with some excellent forgeries, one of which, a nude man clearly based on a drawing in the Joanneum Museum in Graz, Austria, almost fooled the Galerie St Etienne. From the slides at the IFAR talk, it was impossible to distinguish the authentic Schiele from the fake. Kallir told how this particular forgery, which the Galerie St Etienne was offered but did not buy, came up at least twice that she knew of for sale at auction (once at Christies, once at Sotheby's). Kallir's intervention stopped the Sotheby's sale.

In the question and answer period that followed, the frustrating circumstances that allow fake works to circulate again and again like the proverbial bad pennies were discussed. IFAR's Executive Director explained that IFAR has tried to work against this practice, but has been thwarted by U.S. laws protecting private property. IFAR plans to continue to work against this and at least help educate the public about the problem. By speaking out and also sharing their scholarship, Ms. Kallir and other scholars also help thwart this pernicious problem.

Sharon Flescher

Surfing the Web: An IFAR Perspective

Editor's Note:
IFAR's World Wide Web site (www.ifar.org) currently offers abbreviated information about IFAR and its activities. We are exploring ways to develop the site into an information resource serving the needs of the public and IFAR's audience, with linkages to other sites. In preparation, we offer this primer on existing websites of potential interest to *IFAR Journal* readers. We plan to publish occasional updates.

As many have already discovered, the World Wide Web is both a blessing and a curse. Filled with information on every imaginable topic available at the touch of a finger, it overwhelms the searcher with cacophonous and excessive findings. Offering access to myriad information resources, images, and media from the comfort of one's desk, it delivers often superficial and insubstantial information that leaves the searcher hungry for the depth taken for granted with books. That its production is unregulated and uncoordinated by any central authority makes it similar to the world of paper publishing. Unlike that older world, however, the Web has few mechanisms for disseminating full information on its holdings and for organizing access to those holdings. It is the world's largest library, with innumerable publishers and only a handful of librarians.

How, then, to penetrate and use the World Wide Web effectively? As in the print world, those "librarians" (not necessarily people with library training) hold one answer. To the extent that individuals and organizations have assembled related Web sites into "meta-sites," with "links" (automatic connections to highlighted sites), often with commentary as to their content, they offer us an invaluable tool to help navigate this murky ocean of information.

For the readers of the *IFAR Journal*, who seek information in a specialized yet diverse set of subjects, these meta-sites are especially helpful. They are also the best hope of approaching something like comprehensiveness, a quality almost certain to elude any tour of the Web. Readers should remember that "surfing" the Web takes patience. Sites sometimes disappear or change addresses, and the computers on which they reside are sometimes inadequate to the demand for access. This is a medium still in formation.

With those caveats, the following is organized according to categories that cover, as much as possible, the interests served by IFAR: authentication, art-historical research, art theft and security (including holocaust-era art restitution), and art and the law. A fifth category, museums and image databases, will be treated in a subsequent article. (Note: all Web addresses, or URLs, require entry of the prefix **http://** before their address. URLs that are continued onto a second line should be assumed to contain no spaces or hyphens between the lines.)

"THE WORLD WIDE WEB IS BOTH A BLESSING AND A CURSE...SITES SOMETIMES DISAPPEAR OR CHANGE ADDRESSES."

AUTHENTICATION

Art authentication depends in part on comparison of an object with a wide variety of similar images. IFAR has offered an Art Authentication Service since 1969. Although IFAR does not also appraise art, auction records can be helpful to the process of authentication and may interest those who want to track sales of art. Disseminating large quantities of images on the Web, however, presents challenges. For this reason, and because of the commercial need for comparative images, the websites devoted to this purpose tend to require billing accounts.

A. Sales Catalogues and Ownership Records

SCIPIO: Art and Rare Book Sale Catalogs Online, available to account holders on the Eureka website of the Research Libraries Information Network (RLIN) (**www.rlg.org**), is a union catalogue of art and rare book auction sale catalogues dating from the late 16th century to today. Its records contain bibliographic information and the names of libraries holding the catalogues. It does not list the items sold. Non-account holders can request searches at libraries with SCIPIO accounts, such as the Frick Art Reference Library in New York. The **Getty Research Institute's** collection of some 110,000 auction catalogues from the late seventeenth century to the present can be searched at **opac.pub.getty.edu/ search~b1** described below under "Services").

The Getty Information Institute's **Provenance Index** gathers information related to the history of collecting and the provenance of individual works of art. The information is drawn from sales catalogues, archival records, and

museum files. Its databases of more than 600,000 records can be searched at **piedi.getty.edu** and on CD-ROMs that can be purchased and are available in a number of libraries in the U.S. and Europe. Oriented to scholarly research on the history of collecting and of the art market, the Provenance Index does not collect information on contemporary art sales.

B. Auction Records and Sales

"THERE ARE SEVERAL MAJOR AUCTION-RELATED SITES, SOME WITH OVERLAPPING INFORMATION."

There are several major auction-related sites, some with overlapping information. **Artfact** has collected some 3 million entries from 750 auction houses on auction sales of fine and decorative arts, dating from 1986 to the present. Of these, some 22,000 are illustrated in color. The full suite of Artfact databases, also contained on a CD-ROM called *Artfact Pro*, is available to paid subscribers on the Web (**www.artfact.com**). The site offers two sample databases, containing more than one million entries, free to the public. Because it was created as a database, rather than converted from a print publication, its searching tools and capabilities are highly developed.

The **ArtNet Fine Arts Auction Database** (**www.artnet.com/auctions/ index.html**) is broader in scope, with a magazine, an on-line exhibition of works from member galleries, links to museums (including virtual museums), and news of upcoming auctions and art fairs. Its database of auction sales, available to paid subscribers, contains 1.5 million works dating back to 1989 worldwide, about half with illustrations.

The French **ADEC Art Price Annual** and the American **Falk's Art Price Index** (**www.artprice.com**) have merged and now produce, in addition to their print publications and CD-ROM of 1.3 million auction sales records since 1987, a website that appears to be still under development. **Thesaurus** (**www.thesaurus. co.uk**) offers an Auction Search Service to subscribers, with free sample searches, plus information about 130 auction houses in England. For the decorative arts, it would be difficult to beat the **Maine Antique Digest** (**www.maineantiquedigest.com**), a free site filled with images, auction prices, searchable articles and ads, and calendars of sales, to name only a fraction of the information offered.

Sotheby's (**www.sothebys.com**) has a highly praised website showing auction results and future sales, as well as information on collecting. **Christie's** (**www.christies.com**) publishes information about its forthcoming auctions as well as sales results. Looking for other galleries and auction houses? Try their names in a Web search engine, or look in **ArtNet Worldwide** (**www.artnet.com**), discussed above, or the list of links collected by the **Art Loss Register**, discussed below under "Art Theft and Security" (**www.artloss.com/links.htm**). A guide to Asian art on the Internet, **Art Index** (**www.artindex.com/auction.htm**), lists auction houses for Asian art. The search engine **Yahoo** (**www.yahoo.com**) groups galleries under "Arts / Museums, Galleries, and Centers" and "Business and Economy / Companies / Arts and Crafts."

ART-HISTORICAL RESEARCH

For those seeking a deeper understanding of works of art, whether for edification, authentication, or market purposes, the Web contains innumerable sites offering information seemingly on every period, culture, and style. The disorganization, lack of coordination, and uneven quality of Web information is nowhere more apparent than in these art-historical sites. However, a number of dedicated individuals have expended heroic effort in curating highly organized sites that link the researcher to their wide-ranging estimation of the best, many of which are excellent.

A. Basic Resources

We begin with the **Art History Research Centre** (**art-history.concordia.ca/AHRC/index.htm**) because of its remarkably lucid and sensible essay on "The Internet as a Research Medium for Art Historians" by Leif Harmsen. This excellent introduction to a confusing and impenetrable maze of information accompanies a selection of links to sites that span the entire spectrum of art history and its institutions. For comprehensive coverage beyond imagining, try the **Mother of All Art History Links Pages** (**www.umich.edu/~hartspc/ histart/mother**), where many of the links include comments on content.

There are numerous other admirable collections. **Art History Resources on the Web** (**witcombe.bcpw.sbc.edu/ARTHLinks.html**) is organized according to historic periods in western art and includes sections on non-European art, research resources, and museums and galleries. Birkbeck College of the University of London maintains **The History of Art Virtual Library** (**www.hart.bbk.ac.uk/VirtualLibrary.html**), listing a large number of sites by category. At **The PartheNet** (**home.mtholyoke.edu/~klconner/parthenet.html**), lists of links are organized primarily by period, with links to museums and image collections as well. The art historians' professional organization, the **College Art Association** (**www.collegeart.org**), offers **CAA.reviews**

(**www.caareviews.org**), a new site featuring online reviews of books relevant to the field. Because of a foundation grant, this site will be free of charge for two years. In England, **Computers and the History of Art(CHArt)** (**www.hart.bbk.ac.uk/chart**) publishes a newsletter and abstracts of its journal articles on its site.

A number of extremely valuable art historical resources are fee-based. You will, for example, find an impressive description of the **Grove Dictionary of Art Online** at **www.grovereference.com/TDA/Onlineindex.htm**. The result of a 15-year project, this online version of the Grove *Dictionary of Art* combines its 34 printed volumes into a single searchable database, a comprehensive resource on world art and culture. With a Research Libraries Group (RLG) account, the **Bibliography of the History of Art** and its predecessors **RILA** and **Répertoire d'Art et d'Archéologie** (**www.rlg.org/cit-bha.html**) offer the world's largest compendium of references to art-historical scholarship with abstracts of all items. **RILA** alone (1973-1989) can be searched at **www.ahip.getty.edu/aka/aka_form_pub.html** without charge. At **FirstSearch** (**www.oclc.org/oclc/menu/ fs.htm**), which requires an account, **Arts & Humanities Search** and **ArtAbstracts** are only two of the databases that hold major interest for art-historical researchers.

Knowing the various ways that search terms may be spelled is often crucial to finding the full complement of information available. The Getty Information Institute's **Union List of Artist Names** (**www.gii.getty.edu/ vocabulary/ulan.html**) and **Thesaurus of Geographic Names** (**www.gii.getty.edu/vocabulary/tgn.html**) will greatly help in any search dealing with multiple versions of artists' and geographic names. The compendium of descriptive terms for works of art, **The Art & Architecture Thesaurus** (**www.gii.getty.edu/ vocabulary/aat.html**) may help to determine what words to use in searching.

B. Library Sites

Gaining access to the catalogues (and someday the contents?) of the world's great libraries is one of the most enticing promises of the World Wide Web. The library world has led the academic establishment in the digital dissemination of its holdings to the world. If the neophyte finds these catalogues, with their "old-fashioned" *gopher* screens, a bit off-putting, the prize is worth the effort: to search the catalogues of the Oxford University Library or of the combined libraries of the University of California, among many.

Begin with the introduction presented by the site noted above, the **Art History Research Centre**'s section on **Library Catalogues** (**art-history.concordia.ca/AHRC/library.htm**). **Public Libraries of Europe** (**dspace.dial.pipex.com/town/square/ac940/eurolib.html**) links you to libraries in more than 30 countries. The **Museum Security Network**, to be discussed below under "Art Theft and Security," has amassed a formidable list of library sites with descriptions, even though it is no longer updated (**museum-security.org/library.html**). To bypass the less friendly gopher sites, follow the Network's link to North Carolina State University's **Library Online Catalogues with Webbed Interfaces** (**www.lib.ncsu.edu/staff/morgan/alcuin/wwwed-catalogs.html**).

"A NUMBER OF EXTREMELY VALUABLE ART HISTORICAL RESOURCES ARE FEE-BASED."

The **New York Public Library's Center for the Humanities and Social Sciences** (**www.nypl.org/research/chss/index.html**) offers a rich overview of its collections and other resources. For a very fine presentation of an outstanding art-historical library and photo collection, and the resources that make it special, see the **Frick Art Reference Library** site (**www.frick.org**). A friendly, comprehensive, and well organized site for searching a fine arts catalogue is the **Getty Research Institute Library** (**www.getty.edu/gri/research/main.htm**), where one can examine the holdings of that prodigious library collection as well as the catalogue of the 2,000,000-strong photo study collection. Their **Collections Integrated Catalogue** (**www.getty.edu/gri/research/icres.htm**) lists many important art-historical resources that can only be accessed with an account or on CD-ROM. Large research libraries and central public libraries in major cities can often help you to access these fee-based sites and CD-ROMs.

ART THEFT AND SECURITY and WORLD WAR II-ERA ART CLAIMS

IFAR has given close attention to the issue of art theft and security since 1974, when it initiated a museum survey that led to the creation of an archive, and later database, of stolen art that is now the responsibility of the Art Loss Register. For the rest of the world, this prevalent form of international crime has only recently begun to attract the attention it deserves. Dramatic thefts and, recently, highly publicized World War II-era claims have fueled public interest, but, as yet, the mechanisms to address this area of crime remain fragmented.

INTERPOL, THE FBI, AND SCOTLAND YARD NOW POST NOTICES AND IMAGES OF STOLEN OR RECOVERED ART OBJECTS ON THEIR WEBSITES

Important efforts at coordination, however, can be found on the Web. It might suffice to say no more than **Museum Security Network**, also referred to as **Securma**, for **SECU**rity **R**ijks**M**useum **A**msterdam (**museum-security.org** or, in the Netherlands, **www.xs4all.nl/~securma**). This prodigious site attempts to collect and organize links to all areas relevant to art crime and security. Its index (**museum-security.org/indexengels.html**) lists 22 subject categories, from "Interpol Stolen Art" to "Safetyplans and Salvageplans" to "Law Sites" to "Fakes and Forgeries," and much more. Its **Museum Security Mailing List Reports** (**museum-security.org/artcrime.html**) indexes many pages of detailed reports of thefts.

The **Art Loss Register** (**ALR**), a company familiar to *IFAR Journal* readers, maintains a computerized database of approximately 100,000 stolen and missing works of art, antiques and valuables, including some 30,000-plus items licensed to ALR by IFAR. About 1,000 new items are entered each month. Although the database is not accessible via the internet, information about conducting a search or registering a theft is available on the ALR website (**www. artloss.com**). Theft victims can fill out an Art Theft Report form onscreen and submit it online to the ALR. In addition, the site includes a press release describing the ALR's role in identifying art misappropriated during World War II.

As *IFAR Journal* readers know, any effort to register, trace, and return objects to their rightful owners is entirely dependent on adequate documentation *before* a theft and swift transmission of standardized information afterwards. The Getty Information Institute's **Object ID**, an international standard for the information essential to tracing and recovering a work of art can be found at **www.gii.getty.edu/pco**. Collectors using this short checklist to help them describe and record their works of art will facilitate recovery in the event of theft.

If dissemination of information and images of stolen items is key to the recovery of lost works, the various law enforcement sites offer a beginning: **Interpol — U.S. National Central Bureau** (**www.usdoj.gov/usncb/culturehome.htm**), the **FBI** (**www.fbi.gov:80/art.htm**), and **Scotland Yard** (**www.met.police.uk**) now post notices and images of stolen or recovered art objects on their websites. See also **Art Theft / Most Wanted Art / Recovery** (**www.saztv.com**), which lists international police and non-governmental art-theft sites under "Art Theft Links / Listings Online." After registering without fee, one can search the stolen art database of **Trace Magazine**'s website (**www.iow.trace.co.uk/newsearch/index.htm**), which carries news and articles as well.

The looting of art in World War II has assumed a prominence to which mushrooming numbers of websites have been assembled in response. The **U.S. Holocaust Memorial Museum** has organized a set of links to the vast universe of information available internationally on this subject (**www.ushmm.org/assets**). The **U.S. National Archives and Records Administration** presents a highly organized website (**www.nara.gov/ research/assets**) that helps the user to access the massive and complicated records held by that institution, with bibliography and links to other sites. The already mentioned **Museum Security Network** (**museum-security.org/artcrime.html**) is an excellent source for articles on the subject. **Looted Art** (**www.dhh-3.de/biblio/index.html**) carries the tables of contents of the newsletter, ***Spoils of War,*** as well as other information, some in German. The **Beutekunst** (**Looted Art**) website (**hub.ib.hu-berlin.de/~pbruhn/b-kunst.htm**) carries an extensive bibliography of newspaper and magazine articles, largely in German.

The Getty Research Institute has just published a list of its archival holdings that may shed light on this subject (**www.getty.edu/gri/research/ holo.htm**). For recent statements by prominent experts Lynn H. Nicholas and Philippe de Montebello, see **www.house.gov/banking/62597nic.htm** and **www.metmuseum.org/htmlfile/news/NPC.htm**, respectively. The report of the U.S. State Department's Washington Conference on Holocaust-Era Assets (November 30-December 3, 1998) can be found at **www.state.gov/www/regions/eur/holocausthp.html**.

Various organizations have been established to facilitate claims and conduct research on lost works. Among them: The **Commission for Art Recovery** of the World Jewish Congress (**www.wjc-artrecovery.org**); the **Holocaust Art Restitution Project** (**HARP**) (**www.lostart.org**); and the New York State Banking Department's **Holocaust Claims Processing Office** (**www.claims.state.ny.us**).

The looting of archeological sites worldwide poses yet another great threat to cultural heritage to which IFAR has long devoted attention. The **USIA**'s excellent new website on cultural property (**www.usia.gov/education/culprop**) presents a comprehensive overview of issues, news, laws, and international conventions, all indexed for easy navigation. The website of the magazine ***Archaeology*** (**www.archaeology. org/online/news**) carries many stories of looting and theft, as well as a list of other archeological websites at **www.archaeology.org/wwwarky/wwwarky.html.** For a journalistic overview of stories on all types of art theft, see the **Boston *Globe***'s "Lost Art" coverage (**www.boston.com/ globe/ nation/packages/paintings**) and **Yahoo's** Holocaust Assets site (**headlines.yahoo.com/Full_Coverage/World/Holocaust_Assets**).

ART AND THE LAW

Thanks to the sharpened consciousness regarding looting, theft, and illicit traffic in works of art, the legal aspects of ownership of works of art have assumed a heightened profile. Like the related field of art theft, this area is still undergoing definition, and is complicated by its global sweep. Several websites can aid your effort to understand the legal ramifications of collecting art.

Once again, the **Museum Security Network** offers outstanding coverage of "Lawsites and Searchable Databases" (**museum-security.org/database.html**). Between the **USIA** (**www.usia.gov/education/culprop/laws.html**) and **UNESCO** (**www.unesco.org/general/eng/legal/cltheritage/index.html**), you can find the texts of most conventions, treaties, and U.S. laws pertaining to the protection of cultural property.

The British **Institute of Art and Law** has a page of very useful "Art Law Links" (**web1.pipemedia.net/ial/links.htm**). The "Guide to Art Law on the Internet" on the **Hieros Gamos** site (**www.hg.org/art.html**) collects and organizes links in numerous categories, including treaties and conventions. The **Journal of Art and Entertainment Law**, too, has a page of links to legal resources (**condor.depaul.edu/~journae/index.htm**). **Molton and Meekins** (**www.molton.com**) presents valuable case information, with explanations of the UNESCO and Unidroit conventions, under the headings "Art Law" and "Cultural Property." The British non-profit **Council for Protection Against Art Theft** or **COPAT** (**www.thesaurus.co.uk/023348.CUS/index.htm**) maintains an active program of public education and a legislative agenda.

Bibliographic searching is essential to any legal quest, and several websites guide you through the bibliographic thickets. An article carried by the **East Tennessee State University Library** site, "Legal Resources in Art: A Bibliographic Search Strategy" (**www.etsu-tn.edu/library/docslaw/arsq1993.htm**), lists bibliographic resources by category, periodicals covering art law, and subject headings for querying periodical indexes. The Dutch publisher **Kluwer Law International** (**www.kluwerlaw.com**) lists close to fifty English-language books in response to a search on the term "art;" the **Museum Security Network**, mentioned above, features four Kluwer publications in detail (**museum-security.org/Artweb. html**). For those with enough time, **LawCrawler** (**lawcrawler.find law.com**) will produce large numbers of links to sites in response to the queries "art law" and "cultural property law," free of charge. Of course, **Lexis-Nexis** (**www.lexis-nexis.com**) and **Westlaw** (**www.westlaw.com**) remain the definitive resources for legal information. Both require an account.

In summary, the World Wide Web offers remarkable resources for the art researcher. The sites listed above are by no means exhaustive, and each will lead the user to many more. Moreover, new sites are being created daily. The IFAR *Journal* hopes to keep its readers informed as this prodigious new medium continues to develop.

Marilyn Schmitt, Ph.D.
Program Manager, Getty Information Institute
As of March 1999, independent consultant for art-related projects

IFAR'S (www.ifar.org) Suggested List of Websites

ART AUTHENTICATION/AUCTION RECORDS

ADEC Art Price Annual and Falk's Art Price Index: www.artprice.com
Artfact: www.artfact.com
Art Index: www.artindex.com/auction.html
ArtNet Fine Arts Auction Database: www.artnet.com/auctions/index.html
Christie's: www.christie's.com
Getty Research Institute Auction Catalogues: opac.pub.getty.edu/search~b1
Getty Provenance Index: piedi.getty.edu
Maine Antique Digest: www.maineantiquedigest.com
SCIPIO: Art and Rare Book Sale Catalogs Online: www.rlg.org
Sotheby's: www.sothebys.com
Thesaurus: www.thesaurus.co.uk
Yahoo: www.yahoo.com

ART-HISTORICAL RESEARCH

Art & Architecture Thesaurus: www.gii.getty.edu/vocabulary/aat.html
Art History Research Centre: art-history.concordia.ca/AHRC/index.htm
Art History Research Centre Library Catalogues: art-history.concordia.ca/AHRC/library.htm
Art History Resources on the Web: witcombe.bcpw.sbc.edu/ARTHLinks.html
Bibliography of the History of Art, RILA, Répertoire d'Art et d'Archéologie: www.rlg.org/cit-bha.html
CAA.reviews: www.caareviews.org
College Art Association: www.collegeart.org
Computers and the History of Art (CHArt): www.hart.bbk.ac.uk/chart
FirstSearch (Arts & Humanities Search, ArtAbstracts): www.oclc.org/oclc/menu/fs.htm html
Frick Art Reference Library: www.frick.org
Getty Research Institute Collections Integrated Catalogue: www.getty.edu/gri/research/icres.htm
Getty Research Institute Library: www.getty.edu/gri/research/main.htm
Grove Dictionary of Art Online: www.grovereference.com/TDA/Onlineindex.htm
The History of Art Virtual Library: www.hart.bbk.ac.uk/VirtualLibrary.html
Library Online Catalogues With Webbed Interfaces: www.lib.ncsu.edu/staff/morgan/alcuin/wwwed-catalogs.html
Mother of All Art History Links Pages: www.umich.edu/~hartspc/hist.art/mother
Museum Security Network Libraries on the WWW: museum-security.org/library.html
New York Public Library's Center for the Humanities and Social Sciences: www.nypl.org/research/chss/index.html
The PartheNet: home.mtholyoke.edu/~klconner/parthenet.html
Public Libraries of Europe: dspace.dial.pipex.com/town/square/ac940/eurolib.html
RILA: www.ahip.getty.edu/aka/aka_form_pub.html
Thesaurus of Geographic Names: www.gii.getty.edu/vocabulary/tgn.html
Union List of Artist Names: www.gii.getty.edu/vocabulary/ulan.html

ART THEFT AND SECURITY AND WORLD WAR II ERA CLAIMS

Archaeology: www.archaeology.org/online/news and www.archaeology.org/wwwarky/wwwarky.html
Art Loss Register: www.artloss.com
Art Theft / Most Wanted Art / Recovery: www.saztv.com
Beutekunst (Looted Art): hub.ib.hu-berlin.de/~pbruhn/b-kunst.htm
Boston Globe ("Lost Art"): www.boston.com/globe/nation/packages/paintings
Commission for Art Recovery: www.wjc-artrecovery.org
FBI: www.fbi.gov:80/art.htm
Getty Research Institute's Holocaust-Era Assets: Research Institute Resources: www.getty.edu/gri/research/holo.htm
Holocaust Art Restitution Project (HARP): www.lostart.org
Holocaust Claims Processing Office: www.claims.state.ny.us
Interpol (U.S. National Central Bureau): www.usdoj.gov/usncb/culturehome.htm
Looted Art (including Spoils of War): www.dhh-3.de/biblio/index.html
Philippe de Montebello statement: www.metmuseum.org/htmlfile/news/NPC.htm
Museum Security Network: museum-security.org/artcrime.html
Museum Security Network (Securma): museum-security.org www.xs4all.nl/~securma
Lynn H. Nicholas statement: www.house.gov/banking/62597nic.htm
Object ID: www.gii.getty.edu/pco
Scotland Yard: www.met.police.uk
Trace Magazine: www.iow.trace.co.uk/newsearch/index.htm
U.S. Holocaust Memorial Museum: www.ushmm.org/assets
U.S. National Archives and Records Administration: www.nara.gov/research/assets
USIA: www.usia.gov/education/culprop
Washington Conference on Holocaust-Era Assets: www.state.gov/www/regions/eur/holocausthp.html
Yahoo's Holocaust Assets: headlines.yahoo.com/Full_Coverage/World/Holocaust_Assets

ART AND THE LAW

Council for Protection Against Art Theft (COPAT): Council for Protection Against Art Theft (COPAT)
East Tennessee State University Library "Legal Resources in Art: www.thesaurus.co.uk/023348.CUS/index.htm
A Bibliographic Search Strategy": www.etsu-tn.edu/library/docslaw/arsq1993.htm
Hieros Gamos "Guide to Art Law on the Internet": www.hg.org/art.html
Institute of Art and Law "Art Law Links": web1.pipemedia.net/ial/links.htm
Journal of Art and Entertainment Law links to legal resources: condor.depaul.edu/~journae/index.html
Kluwer Law International: www.kluwerlaw.com
LawCrawler: lawcrawler.findlaw.com
Lexis-Nexis: www.lexis-nexis.com
Molton and Meekins: www.molton.com
Museum Security Network (Kluwer publications in detail): museum-security.org/Artweb.html
Museum Security Network "Lawsites and Searchable Databases": museum-security.org/database.html
UNESCO: www.unesco.org/general/eng/legal/cltheritage/index.html
USIA: www.usia.gov/education/culprop/laws.html
Westlaw: www.westlaw.com

The "A to Z" of the ALR

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ENTIFIABLE.

The International Art and Antiques Loss Register, known as the Art Loss Register or ALR, is a permanent computerized database of stolen art with images. A commercial enterprise, the ALR is backed by a consortium of companies and individuals from the insurance, auction, and investment fields. The origins of the ALR database go back to the Art Theft Archive created in 1976 by IFAR, a not-for-profit organization. The Archive, which grew out of IFAR's two-year survey of the museum community, was developed in response to the marked increase in art theft in the 1970s, which was due, in turn, to the publicity surrounding the rise in the value of art at the time and the relative ease with which art and antiques could be moved internationally and serve as a "black market" currency. The criminal world found this essential once the movement of cash electronically could be monitored by the banking system and reported to the authorities.

The priority which police forces could give to art theft was relatively low compared to that which had to be made available to other crimes, and the number of specialist art theft police were few in view of the difficulty of capturing the criminals and obtaining convictions. Without an internationally recognized central database, it was difficult to prove items had been stolen, allowing many criminals to go free and in possession of their stolen items.

The Development of the Art Loss Register

IFAR's Archive was the first established by a non-police or governmental body and accessible to the public. Together with IFAR's monthly publication, *The Stolen Art Alert*, the Archive acted as a clearinghouse for information on stolen art. IFAR's Archive was manual but geared to future computerization. By 1986, IFAR had approximately 30,000 records. It started to computerize its records in early 1987, but most searching was still based chiefly on the name of the artist. With the advances in computer technology, it had became possible by the late 1980s to design a database that could include images and be searched using a variety of criteria.

As a not-for-profit organization, however, IFAR had difficulty financing the upgrading of its stolen art database. Foundation executives and private philanthropists pointed out that the archive had business potential since it benefitted insurance companies and wealthy individuals who had been the victims of art theft. A feasibility study was commissioned by Lloyd's Syndicates and other members of the London insurance industry to examine the legal, commercial, financial and technical computer related issues of developing the IFAR database into a commercial operation. It was reasoned that the recovery rate could be vastly increased by expanding IFAR's concept internationally. The feasibility study was completed in 1990 and capital raised from 3i, the leading venture capital company in the UK, Hogg Robinson, Sotheby's, Christie's and other auction houses, Lloyd's of London, Rosenthal & Rosenthal, a New York bank specializing in lending to the fine art market, and Hire Purchase International (HPI) a U.K. database.

The Art Loss Register was created as an independent business enterprise, and the company started operations on January 15, 1991. IFAR was granted a share of the equity in return for its expertise, and its Archive was licensed to the ALR to become the start of the ALR database. Under a separate agreement, IFAR also became the managing agent for the ALR in the United States. This agreement remained in force until 1996.

Operations

The concept behind the ALR was to provide a central internationally recognized database where ultimately all stolen works of art or antiques would be registered provided that they were uniquely identifiable. This database would be open to searching by the art trade or private buyers in order to reduce the trafficking in stolen goods and to improve the rate of recovery and would be an essential part of increasing the number of convictions.

In the event of a theft, details of stolen objects are supplied by law enforcement agencies, private individuals, museums, galleries, and subscribing insurance companies and their loss adjusters. (Fig. 1) The two basic criteria for an object to be registered as stolen are that it has been reported to the police (a police complaint number and jurisdiction is

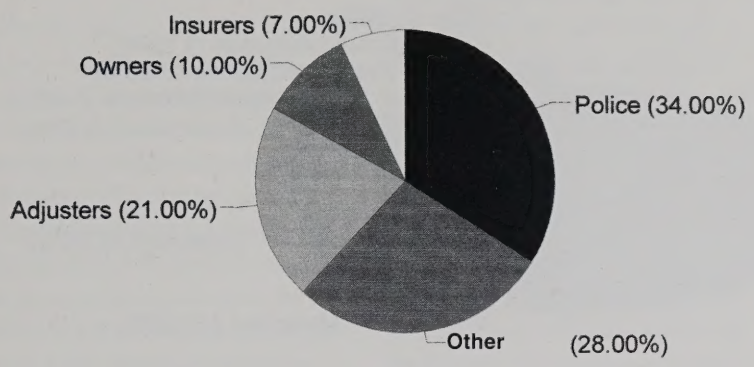

Figure 1. The Art Loss Register Ltd. Sources of Registrations Worldwide (100,000+ items). Police agencies and loss adjusters are the two largest sources of theft information. Other = World War II losses; Rolex etc.; Embassies and Governments.

THE DATABASE CURRENTLY INCLUDES 385 PICASSOS, 19 GAINSBOROUGHS, 144 DÜRERS, 20 TURNERS, 186 DALIS, 276 MIRÓS, 249 CHAGALLS, 125 RENOIRS, 47 RODINS, 51 HOCKNEYS, AND 90 MATTAS.

required) and that the item be uniquely identifiable. In the great majority of cases, a photograph is included although this is not essential if there is a good description. A nominal registration fee of $20 per item is charged to private, uninsured registrants. The ALR also records losses from fires or similar destruction in case the items have in fact been stolen or removed fraudulently and are later offered for sale. The Register is able to identify some cases of insurance fraud where multiple claims may be made for the same item against different insurance companies, and the database works closely with the central databases run by the insurance industry in each country to record all personal lines claims, and in some cases, proposal forms. The original software was written by Interactive Technologies and operates on Windows NT with 586 work stations using CD Rom storage for images, with unlimited capacity.

The Database

At press time the database consists of 100,000 stolen items, which currently include 385 Picassos, 19 Gainsboroughs, 144 Dürers, 20 Turners, 186 Dalis, 276 Mirós, 249 Chagalls, 125 Renoirs, 47 Rodins, 51 Hockneys, and 90 Mattas. The database is growing at the rate of about 1,200 stolen items a month with an increase in the proportion of those coming from the insurance industry as their procedures for logging all relevant losses improve. By far the largest percentage is from private homes. (Fig.2) The range of items that can be registered is very wide.[1]

Besides the original database from IFAR and the new logging by the Art Loss Register, archives of stolen items have been supplied by the Antiquarian Booksellers Association, Carabinieri, Interpol, UNESCO. Losses from World War II are also included and discussed below.

International Operations

The ALR is headquartered in London with offices in New York and Germany. In addition, an agency arrangement has been made with The Loss Register Australia, where a logging and searching service is provided locally. At press time, the ALR is in the midst of opening an office in St. Petersburg, Russia in cooperation with the St. Petersburg International Centre for Preservation and the Government of the Netherlands.

Searching

Each year, the Art Loss Register checks almost 500,000 items against its database. Catalogues for all the sales by the major auction houses and an increasing number of the smaller provincial auctions are screened systematically prior to sale. This searching is undertaken manually and electronically. Approximately one lot per 8,000 is matched. The service is important to the auction houses who otherwise face not only the bad publicity of selling stolen goods but also legal action to compensate the innocent purchaser if the item is proved to be stolen after the sale and the auction house may not be able to obtain reimbursement of the sale price paid to the consignor. If the ALR database were significantly larger, for example 250,000 items, then the ratio of finds would be much higher.

The other type of searches are ad hoc, that is, in response to a specific inquiry, particularly from the police, but also from dealers, auction houses who may be suspicious of an item before it is accepted for a catalogue,

[1] Paintings, drawings and prints comprise 39 percent; sculptures, 11 percent; decorative arts 50 percent.

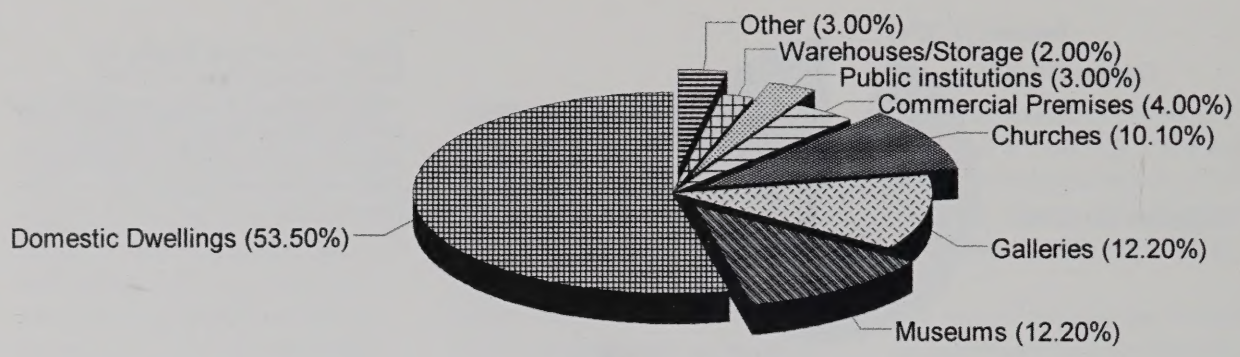

Figure 2. The Art Loss Register Ltd. categories of Theft Victim Worldwide 1991–1998. Graph shows Theft Victim Type compared with Percentage of Overall Theft Victims.

museums considering purchase, or insurers checking that items submitted for cover are not stolen.[2] The search fee for non-police is $50 per item. However, museums, banks, and galleries may subscribe at a substantially discounted rate.

If a search does not uncover a "match," the ALR notifies the inquirer of that, with caveats such as the fact that the object might indeed be stolen but not have been reported to the Register. In the absence of a "match," all such searches are confidential, including the identity of the user of the service and the object which has been checked. In the event that there is a match, the inquirer will be expected to cooperate with the ALR and others, including law enforcement officials, in the restoration of the object to the rightful owner.

Inquiries from police forces carry a high probability of a match because they are by definition items of which the police are suspicious. Often these searches are carried out for the police following the discovery of "Aladdin's Caves" of stolen items, and the ALR staff may be required to photograph and catalogue items following police raids. This service is provided on an international basis to police forces in over twenty countries.

An audit trial is maintained of all inquiries made to the database, and private individuals must submit their request in writing giving contact details, which can be verified before any answers are given. This greatly reduces the risk of criminals trying to discover exactly what is on the database in order to outwit it, and also prevents dealers being offered an item, finding that it is on the database and not informing the police.

The advantages to the police of the ALR services are that the police do not have to undertake the financial cost of logging; the database is searched regularly by dealers, auction houses and national police forces resulting in a large number of "matches" which assist criminal investigation; and the ALR can provide the specialist staff who can assist with aspects of research and other expertise which the police may not be able to maintain themselves.

The Insurance Industry

The insurance industry is the largest source of revenue for the ALR, with insurance companies paying a fixed annual subscription based on either usage of the service or predicted usage based on premium income. In addition, they pay a recovery fee on a sliding scale dependent on value. The insurance industry associations of Austria, Ireland, Norway, Sweden, Switzerland and Belgium have joined on behalf of their members and negotiations are underway with insurance company associations in Holland, and Germany. In the U.K. some 40 insurance companies subscribe together with 65 Lloyd's Syndicates and some 20 insurance companies in North America. The existence of the database has lead a number of insurers to encourage clients to have better descriptions and photographs, which not only assist with recovery in the event of loss but also make the negotiation of a claim much fairer. It is essential that the database operates on an international basis since over 20 percent of the

[2] Sources of searching: police 78 percent, auction houses 9.5 percent, insurers/adjusters 3.5 percent, dealers 4 percent, museums 5 percent.

recoveries are found in countries different to that of ownership or where the item was stolen.

Auction Houses
Sotheby's was instrumental in the foundation of the Art Loss Register, and following their lead Christie's, Bonhams, and Phillips, together with The Society of Fine Art Auctioneers all became shareholders. For many provincial auction houses, the catalogue description is inadequate for a search to be made. Auction catalogues from the USA, Austria, France, Germany, Scandinavia, Belgium and Holland are now being searched with a significantly higher recovery rate being found in the smaller auction houses compared to the leading international houses.

Dealers
When the register was founded, it was assumed that dealers would wish to search before purchasing items on the ground that they would be protecting themselves financially from having to reimburse a client who bought from them if the item were subsequently proven to have been stolen, and that they would wish to avoid the subsequent bad publicity as well as provide a professional service. Although the Society of London Art Dealers (SLAD), and the British Antique Dealers Association (BADA) became shareholders and many other dealers subscribe, many do not. In the case of dealers of contemporary or modern art, although the provenance may appear to be well known, they too should search the database as part of due diligence. The same is true for the great majority of antique dealers both in the UK and overseas. The problem does not appear to be the cost of searching but more the time taken up by discovering that the item is indeed stolen and having to become involved in giving evidence to the police, attending court and associated activities.

Police/Law Enforcement Agencies
The Art Loss Register works in support of the police and law enforcement agencies and in no way is a substitute or alternative to them. There is an increasing tendency for police forces world-wide to rely on the private sector to give any help to the police forces which it can. There is also cause for concern that if police do rely upon private sector databases, that these are operated in a very responsible manner. In the UK, the Art Loss Register has become one of the first private sector services to be included in the Police National Network (PNN) communications system.

The obvious questions that arise are whether the police could run the type of database that is operated by the Art Loss Register and whether there is a risk of duplication between records maintained by law enforcement agencies and those of the ALR. There is a fundamental difference between the two operations in that the ALR provides a service which is available to the public for searching, although for reasons described above, an audit trail is maintained on all inquiries. The police cannot provide a commercial searching service because their information on the stolen items is integrated with criminal intelligence data and the searching service would incur significant costs and liability. There is therefore a natural division between a commercial organization providing a commercial search service but with the matches being notified to the police (since they are an essential part of police investigation work), and the police maintaining criminal intelligence information.

The ALR accepts items for inclusion as stolen only if there is a police file or complaint number given, which excludes the possibility of items being logged as stolen when they are merely the subject of a domestic dispute, divorce, proceedings etc. This police file number also allows the police to cross-reference information on the ALR database with items from their own criminal intelligence and would therefore make it less necessary for the police to develop databases specifically geared to recording art and antique items. There is no doubt that most police forces do require a database of stolen property, but because this has to cover items from vehicles to fire arms, electronic equipment, household goods etc, it is most unlikely that such a database would be sufficiently tailored for the recovery of art and antiques.

Art and antiques are often of great national, cultural, religious or personal importance but they are still a low priority for most police forces.

Recoveries
Since 1991 when ALR was established, over 900 items that were on the database have been recovered, in addition to 2,500 associated items which were not on the database but which would not have been recovered were it not for the operation of the database. Total value recovered is approximately $75 million depending on whether insured or sale values are used, with the value of individual items ranging from $100 to $12 million plus. Thirty-one percent of all recoveries result from police inquiries with an additional 51 percent through catalogue screening prior to auction. (Fig. 3)

Recovery may occur many years after the theft. In the course of a stolen work's journey through the market and over the course of years, it may acquire a veneer of legitimacy in the form of a provenance, which appears to be perfectly respectable and perhaps even distinguished. The purchaser knows the buyer and a similar chain may stretch back for years. However, even a work with a seemingly impeccable pedigree may be stolen property. In 1997, the Art Loss

Register identified a painting, *Peaches* by Edouard Manet, which was stolen in New York City in 1977. Offered to a dealer in Florida, it was identified as stolen because it had been registered by IFAR shortly after the theft.

World War II Era Claims

Within the past few years, the attention of both the public and the art community has been focused on the art looted during the Second World War. Half a century after the war, victims of the Holocaust, their heirs, and other war victims have come forward to claim works which in some cases have for decades adorned the walls of prominent collectors and even museums. These cases raise many difficult legal and moral issues in addition to those raised by more recent thefts. The various parties are only beginning to grapple with them. Several organizations are attempting to find ways to deal with those issues. Information will be critical. The Art Loss Register, with its commitment to and goal of stemming the trade in stolen art, is committed to working with these organizations to make its services available to claimants and to making the resulting information available via the ALR database to the art buying public as a part of its service to bona fide purchasers and the art trade which needs to check one database and cannot check many. A new initiative in this area was announced in 1998. With respect to such registrations by individuals, the Art Loss Register will waive all its registration and other fees.

Due Diligence

The success of the Art Loss Register in identifying and helping to recover stolen art has been amply demonstrated, but increasingly the ALR is also playing a role in helping both theft victims and art purchasers exercise "due diligence." In recent years, theft victims have been expected to take steps to help recover their stolen art. This "due diligence" on the part of the victim includes reporting the loss to police, insurers, and stolen art databases. By making this information available to the art buying public, the victim helps to establish his/her claim when and if the object appears on the market. By taking these steps, the theft victim also helps the good faith purchaser to exercise "due diligence," including a search of the ALR database, which is becoming the custom and usage of the trade. In this regard, museums are setting the standards for due diligence. The role of the Art Loss Register as a mechanism available to both the theft victim and to the art buyer in exercising these roles is central and will become increasingly moreso.

Julian Radcliffe
Chairman, International Art and Antiques Loss Register, and
Anna Kisluk
Director, Art Loss Register

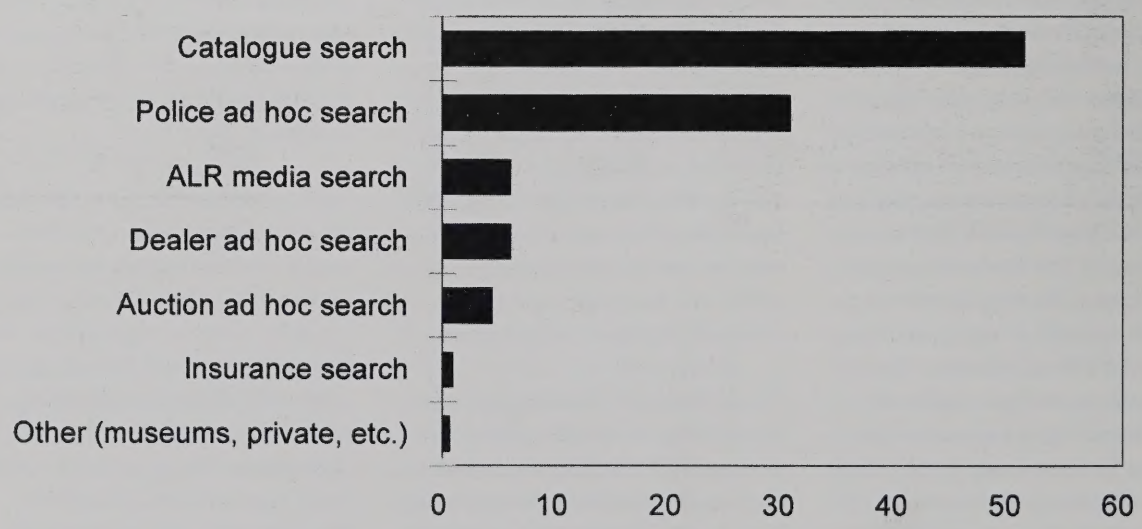

Figure 3. The Art Loss Register Ltd. Source of Identifications Worldwide 1991-1998. Graph shows Search Type (Catalogue Search; Dealer Ad Hoc Search; ALR Media Search, etc.) compared with Percentage of Overall Identifications (matches).

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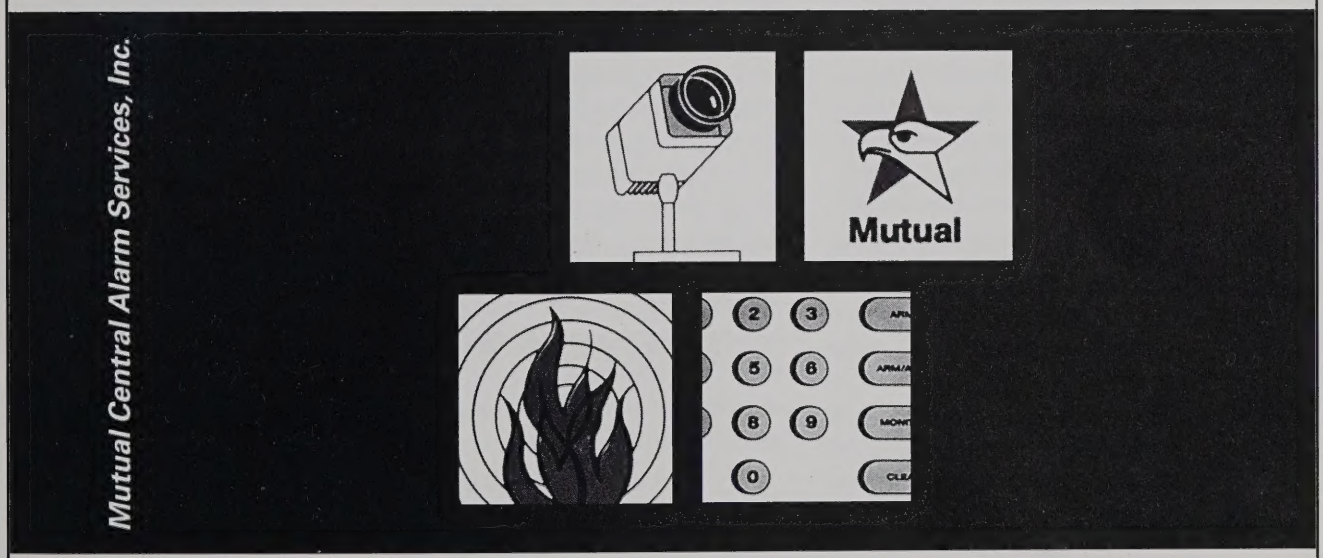

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Current Art Law Books: A Survey

The selection of art law books currently available in the United States has never been better. As a lawyer who practices and teaches in this field, I have put several of them to good use. At the request of IFAR, for the benefit of its readership, I have selected for discussion five excellent books dealing with art and cultural property law. Each book is unique and valuable as a resource in its own right. However, the reader may find some to be more helpful than others, depending on his or her profession, interests and experience. The books explore the major legal issues affecting those who interact with art and antiquities that move through the domestic and international art markets. They also address, in varying levels of detail, specific legal issues involving intellectual property, "moral" rights, and tax and estate planning.

The comments below are intended to illuminate the overall character, scope and style of each book, in order to assist the reader in determining which text or texts are most appropriate for the needs at hand.

Franklin Feldman & Stephen Weil, *Art Law* (Little, Brown & Co. 1986; suppl. 1993).[1]

This two-volume treatise, written by Mssrs. Feldman and Weil in collaboration with Susan Duke Biederman, was selected as "best law book of the year" when first published. In 1993, the authors released a supplement containing some important case law developments. Unfortunately, the current publisher of the book, Aspen Law and Business, has decided to discontinue the book this year. I would encourage those interested to contact Aspen in an effort to purchase a copy of this valuable resource.

Chapter titles are as follows:

1. The Right of Expression
2. Reproduction Rights
3. Relationships with Art Dealers
4. Commissioned Works
5. Moral Right
6. Resale Rights
7. Other Legislation Protective of Artists
8. The Artist's Estate
9. Private Sales
10. Public Sales
11. Claims by Third Parties
12. Claims Against Third Parties
13. Charitable Contributions
14. Art as a "Collectible" Asset

Rather than simply presenting their opinions of case law and issue resolution in summary form, the authors provide extensive direct case opinions, analytical discussion, thought-provoking questions, and reasoned suggestions from which the reader can develop his or her own conclusions. The reader desiring access to direct case and statutory texts will find them here in abundance, supplemented with valuable author commentary. The respected stature of both Mr. Feldman and Mr. Weil in the art law industry adds to the value of their analyses and choices of source material.

This book is more comprehensive than many in the topics it addresses. However, the reader seeking extensive information on certain cultural property issues, such as Native American art and antiquities, should look elsewhere. The book begins with a very detailed table of contents identifying, among other things, each case reproduced in the text. The chapter information conveniently appears again at the beginning of each chapter. The book concludes with a detailed table of cases, table of statutes, and selected bibliography. The various ways of locating material throughout the book are convenient and helpful in determining whether and where specific information or cases are addressed. Unlike some of the other books discussed below, this book does not feature brief legal overviews, checklists or sample contracts. Nonetheless, the information provided is easy to locate and written in a very understandable manner. The authors do a superb job of melding insightful commentary with applicable case law, legislation and regulations. For example, in Chapter 11 the authors conclude with "wrap ups" summarizing statute of limitations issues in title and authenticity disputes. Such summaries are very helpful in distilling the important legal conclusion to be drawn from the materials presented.

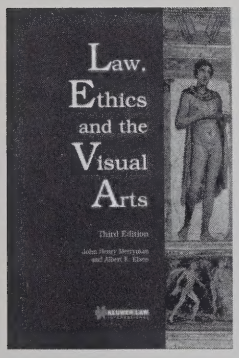
The two-volume set (exclusive of the supplement) is divided by volume between issues involving the artist's creation and control over works of art (such as freedom of expression, reproduction rights, and commissioned works) and issues pertaining to the passage of works of art through

[1] Both Mr. Feldman and Mr. Weil are members of IFAR's Law Advisory Council and former members of IFAR's Board of Directors.

the market (such as stolen art, loans of works, and charitable contributions of works). The authors do an exceptional job of thoroughly addressing the wide variety of legal issues that abound in this area.

The ability of the reader to benefit from reading the cases themselves as well as the authors' learned viewpoints provides the best of both worlds. Overall, this book is a classic resource in the field and would be well worth the investment for anyone with a serious and ongoing interest in the art law field.

John Henry Merryman & Albert Elsen, *Law, Ethics and the Visual Arts*, 3d ed. (Kluwer Law Int'l Ltd. 1998).[2]



The third edition of this book was just published in 1998. It is a very valuable reference for information on global intellectual issues confronting the art and cultural property fields. The authors have compiled writings of many leading authorities on the topics discussed, and they have also included a good sampling of the actual language of several international treaties, national and state legislation, case law and various documents pertaining to specific trade or professional groups. The diversity of outside material reproduced here enables the reader to access information it would otherwise take tremendous time and energy to locate.

Chapter topics are as follows:

1. Plunder, Reparations and Destruction
2. The Illicit International Trade in Art: Who Owns the Past?
3. The Artist's Right in the Work of Art
4. Artistic Freedom
5. The Artist's Life
6. The Collector
7. Museums

Of the five books discussed in this article, this book provides the most extensive coverage of international cultural property issues. Topics addressed include excerpts from the 1954 Hague Convention dealing with the destruction of art and antiquities during war, the UNESCO and UNIDROIT conventions dealing with the illicit trade in cultural property, the Native American Graves Protection and Repatriation Act, and specific major cultural property conflicts such as the so-called "Elgin Marbles" debate between the U.K. and Greece. The book also provides an enlightening overview of historical examples of attempts throughout the world to restrict artistic freedom, such as activities during the Nazi regime and the McCarthy era.

The discussion of international cultural property issues begins in Chapter 1. Lest the more hurried reader feel tempted to close the book after a brief glimpse at the depth of those materials, it should be noted that later chapters deal with more practical, day-to-day issues involving artists, dealers and collectors. For example, Chapter 6 addresses issues confronting collectors, such as relationships with artists and auction houses and tax issues related to art collections. I would, however, encourage the reader not to neglect the more global information provided. By beginning with an analysis of the greater struggles of nations and cultures to manage varied interests in art and antiquities, the interested reader may gain a greater appreciation for the context within which the daily activities of the art trade take place.

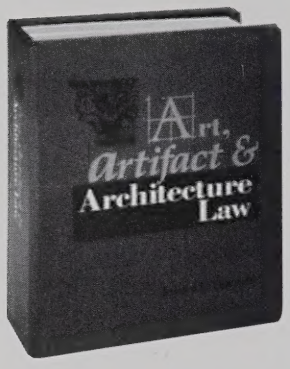
The materials are structured by introducing a topic via an "Authors' Note," continuing with a presentation of third party materials discussing the matter, and concluding with "comments." The Authors' Note, which provides the main source of input directly from the authors, tends to be brief and in the nature of an introduction to the third party materials. The notes are enlightening; however, in many instances I would have welcomed a more thorough discussion sharing the authors' analysis and experience. The "comments" following the materials provide the authors' brief observations as well as follow-up questions on the information just presented. For the reader interested in the challenge of pondering questions related to the materials presented, the comments provide effective prompts.

As with the Feldman/Weil book, this book relies heavily on edited case opinions to address the substantive topics. For the legal practitioner or law professor, this use of actual case law is welcome and helpful. However, for those unfamiliar with gleaning law from facts through the process of reading legal opinions, the format may be a bit frustrating.

Overall, the Merryman/Elsen book provides very valuable access to the seasoned opinions and analyses of many authorities in the areas of art and cultural property. The book focuses on an intellectual discussion of issues rather than providing a quick checklist of advice for resolving

[2] Mr. Merryman is a member of IFAR's Law Advisory Council. Mr. Elsen, a former professor of Art History at Stanford University, died in 1995.

particular legal disputes. As an educational tool, this book provides a thorough and multinational assessment of many of the concepts with which the art community grapples.



Jessica L. Darraby, *Art, Artifact & Architecture Law* (West Group 1997).

Professor Darraby's treatise is comprehensive in scope, easy to use and logically arranged. The material delineates many policies and laws pertaining to the visual arts, which the author, a professor at Pepperdine Law School, defines as including art, photography, artifacts, antiques, antiquities, and architecture.

The chapters are titled as follows:

1. Fundamentals of Art Law
2. Trade Practices Overview
3. Valuation and Appraisal
4. Uniform Commercial Code (UCC)
5. Auction
6. International Trade
7. Copyright
8. Trademark and Unfair Competition
9. Artists' Rights
10. Display and Exhibition: Constitutional Precepts
11. Art Fraud
12. Multiples
13. Archeology and Artifacts
14. Historic Preservation and Conservation

The materials are presented and discussed in a very efficient and straightforward manner, set out in outline form. Rather than offering extensive discussions of issues, this book provides easy access to the author's summary of relevant law addressing practical issues confronting dealers, collectors and others involved in the art trade. The table of contents is extremely detailed, and the materials include headings that precisely follow the table of contents.

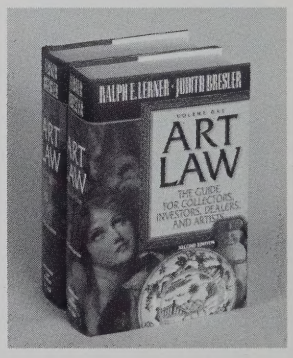
Cases are discussed briefly or referenced in voluminous footnotes supporting the author's comments. However, this book does not reproduce actual case opinions for the reader to review directly. Instead, the author provides salient comments on major cases and incorporates them into her overall discussion of the issues. For the non-lawyer, this approach is likely to be more helpful than trying to read case opinions to discern the underlying points. Lawyers who want to rely on their own case analysis can use this book to direct them to the case law applicable to their precise client issues.

Throughout the book, the author has incorporated helpful reference charts summarizing various topics, such as state criminal simulation statutes, auction sales indexes, and federal regulations pertaining to archaeology and artifacts. The section on the Uniform Commercial Code is quite extensive and very helpful to the legal practitioner. The book also contains a thorough discussion of professional art appraisals. The chapter on auctions is very clear and well structured and should be helpful to collectors and dealers unfamiliar with the auction system, or their advisors.

The appendix contains an abundance of helpful information, such as a national survey of state laws dealing with art consignment and art merchants. Certain state and federal laws are also reproduced in the appendix. The bibliography lists many helpful articles by others in the art field. Interestingly, the author also provides an Artists' Reference bibliography. This second bibliography provides brief biographical data on many of the artists cited throughout the book.

This book is very valuable as a practical resource for finding quick answers or references related to specific legal issues involving the art trade. It is not comprehensive in its analysis of topics, nor does it tackle some of the nuances inherent in certain complex topics, such as the trade in cultural property. However, it functions very effectively as a reference guide and legal overview.

Ralph Lerner & Judith Bresler, *Art Law: The Guide for Collectors, Investors, Dealers, and Artists*, 2d ed. (PLI 1998)



This second edition is a greatly expanded version of the original book published by the authors in 1989. The book is presented in two volumes, and materials are divided into the following parts:

1. Dealers
2. Artwork Transactions
3. Artists' Rights
4. Collectors
5. Taxes and Estate Planning

The book is very practical in its approach, and as stated in its title, serves primarily as a guide for non-lawyers involved in the art trade, The

authors have organized the material in a logical and useful fashion. The book is written succinctly and in clear language that tackles many complex legal issues in a manner understandable by those with or without a law license.

The authors provide a good business-based focus on topics relevant to anyone doing business in the art world. The materials provide helpful guidance on understanding and addressing specific contract issues such as express and implied warranties, risk of loss, insurance, commissions, necessary disclosures, and the like. The sections on "expert" opinions and moral rights are also thorough and well structured. As in the first edition of this book, the new edition provides exhaustive discussion and analysis of tax and estate planning issues for collectors and artists. In light of the lack of knowledge (and, dare I say, interest) in tax issues that most people possess, this book serves as an indispensable resource for explaining such issues in an approachable and concise manner.

Contracts between parties in the art trade are often nonexistent, poorly drafted or devoid of many terms that are particularly valuable when dealing with works of fine art. The appendices to this book, therefore, are wonderful resources in and of themselves, since they provide many sample agreements and other useful information from which the reader can develop his or her own customized documents. Unfortunately, the table of contents does not specifically identify these materials, so it is necessary to turn to the end of each chapter to discover the benefits that await.

As with the Darraby book, this book does not directly reproduce case law for the reader to review first hand. Rather, the authors provide their summary and assessment of the relevant points of significant cases. Discussion is fairly brief; this is not the book to turn to for an extensive intellectual discussion or multiple viewpoints of complex art law issues. Nonetheless, this book will quickly become an essential companion to anyone in the art industry wise enough to acquire a copy.

Aaron Milrad,[3] *Handbook on Art and Cultural Property Law in the United States, Canada, and Mexico*[4] (American Society of Appraisers 1999).

I recently received a draft of a new art law book commissioned by the American Society of Appraisers and written by Aaron Milrad, an attorney practicing in Canada. The book, as anticipated, provides thorough information on appraisals related to art and art objects. In addition, the book provides a unique comparative assessment of Canadian, U.S. and Mexican law. This continental approach to examining art law issues is a welcome and timely one. The increasingly international scope of art law issues dictates that those desiring to build their knowledge in the field have some grasp of other nations' laws as well as their own.

This book provides solid, informative discussions of the issues addressed, and it does so in a readable, narrative format. The chapter titles are as follows:

1. Appraisers and the Law
2. Ownership
3. Limits on Ownership
4. Copyright
5. The Purchase
6. Market Places
7. Insurance
8. Taxation
9. Cultural Property Legislation
10. Import and Export

The author makes artful use of case excerpts and other outside materials, yet the majority of the text consists of the author's own substantive discussions and analyses. The book includes helpful, understandable definitions of terms, such as "valuation" and "appraisal," and many practical checklists of "do's and don'ts" when dealing with various situations or entering into certain relationships. Topics are clearly labeled, enabling the reader to flip quickly through the chapters to locate specific items. The materials I received did not include a table of contents, index or bibliography, so I cannot comment on their levels of detail.

This book does not provide quick references to case citations and fact summaries, as the Darraby and Lerner/Bresler books do. However, the narrative style of the book will satisfy those with sufficient time to read the materials and glean the teachings encompassed therein. The materials are easily readable and understandable. Important questions are asked and addressed, such as "If a precious object has been stolen is there any duty on the true owner after the theft has come to light?" Rather than simply providing a brief statement of the current law, the author examines the issue from various perspectives. The materials also delve into some lesser addressed issues such as the impact of NAFTA on the art trade. In addition, the coverage of cultural property legislation is very substantive.

Overall, this book can serve effectively as an initiation into the field of art and cultural property law. This provides a unique and well-structured presentation of the tangle of

[3] Mr. Milrad is on IFAR's Law Advisory Council and a member of IFAR's Board of Directors.

[4] Tentative title.

diverse interests in the art trade, including the difficult legal issues with which those in the trade must deal and possible ways to address such issues. The book provides particularly valuable information on appraisals and on Canadian and Mexican art and cultural property laws.

Conclusion

The books discussed above fall into two general categories: discussion-oriented books and reference books.

Discussion-oriented books. The Feldman/Weil, Merryman/Elsen and Milrad books provide in-depth discussions and analyses of issues. These books also reproduce actual case law and legislative texts in great detail. The Feldman/Weil book provides a comprehensive education on most significant legal issues affecting the art market. In particular, its coverage of stolen art disputes is excellent. For information on international cultural property issues, the Merryman/Elsen book is thorough and informative. The Milrad book is unique in its comparative analysis of U.S., Canada and Mexico law.

Reference books. The Lerner/Bresler and Darraby books provide brief, informative legal summaries and direct the reader to the underlying cases and legislation supporting such summaries. The Lerner/Bresler book is a wonderful overview of many art law issues, particularly tax and estate issues. It also includes many useful sample contracts. The Darraby book efficiently summarizes important laws, such as the Uniform Commercial Code, and includes an abundance of valuable charts comparing laws and regulations. Both of these books provide an effective overview of the art law field. On an ongoing basis, both of these books will remain valuable as convenient reference tools.

None of the books simply duplicates material addressed in the others; rather, each has a distinct approach to providing information and assessing relevant law pertaining to a topic. Unfortunately for the pocketbook, all five can comfortably co-exist as valuable resources for anyone interested in the field of art law.

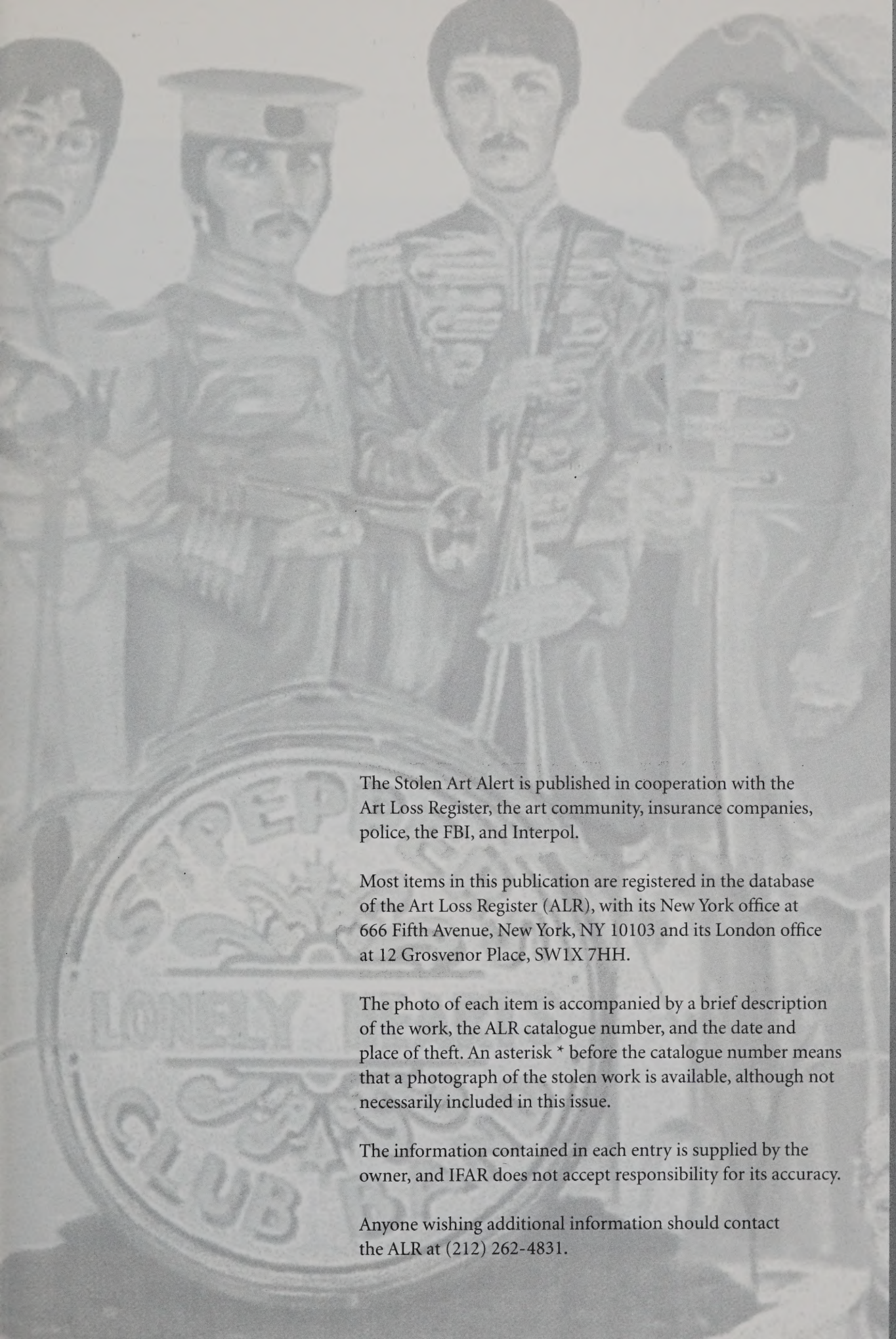
Susan B. Bruning
Strasburger & Price, L.L.P.

IFAR Art Authentication Service

IFAR offers a unique Art Authentication Service, which works to resolve questions concerning the authenticity and attribution of works of art. As a not-for-profit organization with a distinguished Art Advisory Council, *IFAR* is free to render objective, scholarly opinions unaffected by the marketplace.

IFAR offers its services to individuals, dealers, museums, and other institutions. We examine art only for the owner, or with the owner's consent. Once IFAR and the owner agree to research a work, consult with appropriate experts, and prepare a report, the owner signs a contract and is charged a fee. As an educational service, IFAR reserves the right to publish the results of its research.

For additional information, please call (212) 391-6234



Stolen Art Alert

The Stolen Art Alert is published in cooperation with the Art Loss Register, the art community, insurance companies, police, the FBI, and Interpol.

Most items in this publication are registered in the database of the Art Loss Register (ALR), with its New York office at 666 Fifth Avenue, New York, NY 10103 and its London office at 12 Grosvenor Place, SW1X 7HH.

The photo of each item is accompanied by a brief description of the work, the ALR catalogue number, and the date and place of theft. An asterisk * before the catalogue number means that a photograph of the stolen work is available, although not necessarily included in this issue.

The information contained in each entry is supplied by the owner, and IFAR does not accept responsibility for its accuracy.

Anyone wishing additional information should contact the ALR at (212) 262-4831.

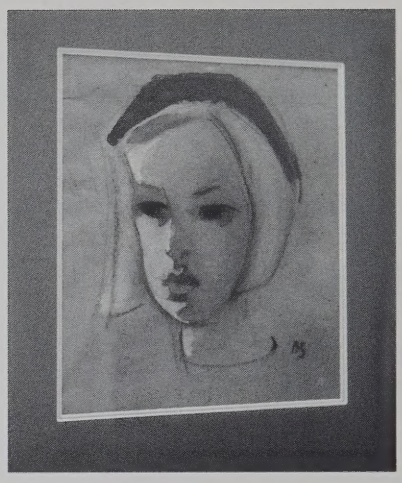
Stolen Art

PAINTINGS

121. Thomas Baines (English, 19th century). *Commando Entering Simon's Bay*, 1847. Oil on canvas. 21½ x 32¼ in. *L98.2810. Stolen from the Prime Minister's Office, Parliament of Rhodesia, Salibury, Rhodesia during the 1979-80 Liberation War and the transition from Rhodesia to Zimbabwe.

121

122. Helen Shefbeck (Swedish, 20th century). *Portrait of Young Girl.* Watercolor. 10 5/8 in x 12 1/4 in. Initialed l/r. Penciled verso in Swedish: Gr(s?) mig du gladjen tag emot dette med tack fr halsning – 1932. *N98.488. Stolen from warehouse at British Airways in Romulus, MI. June 25, 1997.



122

123. Belgian, late 16th century. *St. Francis at Prayer.* Oil on wood. 27.2 x 38.0 cm. *N98.493. Stolen from a museum in Saint-Trond, Limbourg. Oct. 3, 1997.

123

124. Adolphe Alexandre Lesrel (French, 1839–1929). *The Connoisseurs*, 1890. Oil on canvas. 58.5 x 48.0 cm. Signed and dated l/r. *N98.484.1. Winchcombe, Gloucestershire, U.K. Jan. 20, 1998.

124

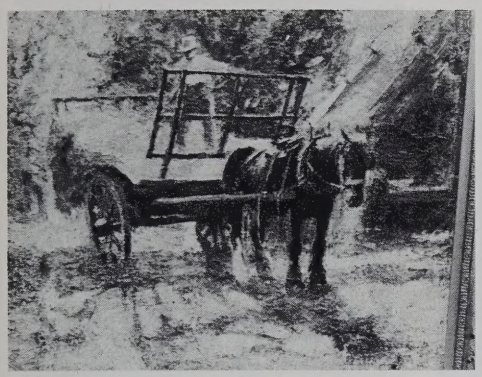
125. Edward Duncan (English, 1803–82). *Venetian Lagoon Scene.* Oil on canvas. 24.0 x 38.0 cm. *N98.484.2. Winchcombe, Gloucestershire, U.K. Jan. 20, 1998.

126. Federigo Andreotti (Italian, 1847–1930). *Gathering Roses.* Oil on canvas. 39.0 x 31.0 cm. Signed l/l. *N98.484.3. Winchcombe, Gloucestershire, U.K. Jan. 20, 1998.

125

126

Stolen Art



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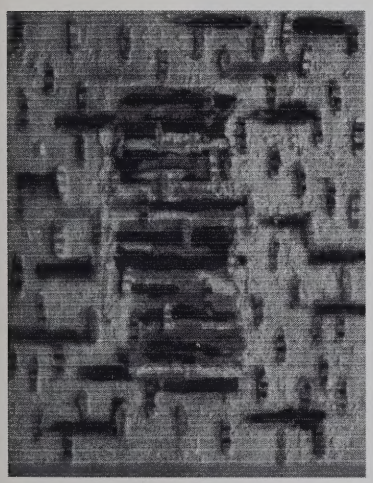

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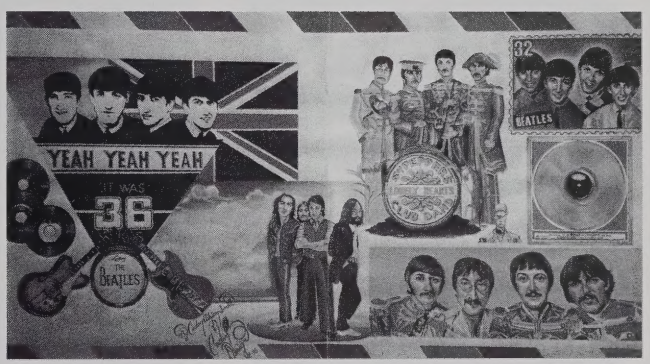

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PAINTINGS

127. Harry Fidler (English, 1856–1935). *Loading Hay Cart in Farmyard.* Oil on canvas. 120.0 x 150.0 cm. *N98.484.7. Winchcombe, Gloucestershire, U.K. Jan. 20, 1998.

128. Henry John Yeend-King (English, 1855–1924). *A Quiet Fish.* Oil on canvas. 61.5 x 91.5 cm. Signed l/r. *N98.484.5. Winchcombe, Gloucestershire, U.K. Jan. 20, 1998.

129. Nicola DeMaria (Italian, 20th century). *Estate Gialla Mare,* ca. 1991-95. Oil on canvas. 19¾ x 15¾ in. *N98.480. Lost in transit between New York and Milan on Oct. 9, 1998.

130. Cerdan Smith (American, 20th century). *Untitled,* 1998. Oil on canvas. 4 x 8 ft. Signed l/l "By Cerdan Adrian Smith of Cerdan Design 6-18-98." *N98.246. Los Angeles, CA. June 18, 1998.

131. Sherry L. Young (American, 20th century). *Growth.* Watercolor and charcoal. 22 x 30 in. *N98.434. One of eleven similar paintings stolen.

132. Eric Forlee (Zimbabwean, 20th century). *Water Hole,* 1992. 24 x 36 in. *N98.489. Jamaica, New York. Oct. 4, 1998.

131

132

Stolen Art

PAINTINGS

The following eight paintings (nos. 133–140) were stolen from Brigham Young University, Provo, Utah, on January 1, 1970 and were originally published in IFARreports, Vol. 9, No. 6, June 1988. They have not yet been recovered.

133. James T. Harwood (American, 1860–1940). *Long Shadows*, 1905. Watercolor. 20.3 x 25.4 cm. Signed and dated l/l: (J.T.) Harwood, '05. *N88.225.

134. Julian Alden Weir (American, 1853–1919). *A Lady in a Buff Suit.* Oil. 86.4 x 61.0 cm. May have #A12 verso. *N88.300.

135. Julian Alden Weir. *A Lady Knitting.* Oil. 86.4 x 61.0 cm. May have #A111 verso. *N88.299.

136. Julian Alden Weir. *A Seated Lady in White, Reading.* Oil. 63.5 x 76.2 cm. May have #A107 verso. *N88.309.

137. Nicolai Ivanovich Fechin (American, 1881–1955). *Mexican Primrose.* Oil. 50.8 x 40.6 cm. *N88.214.

138. Lee Greene Richards (American, 1878–1950). *Portrait of Alfred Lambourne.* Oil. Signed l/r. *N88.257.

133

134

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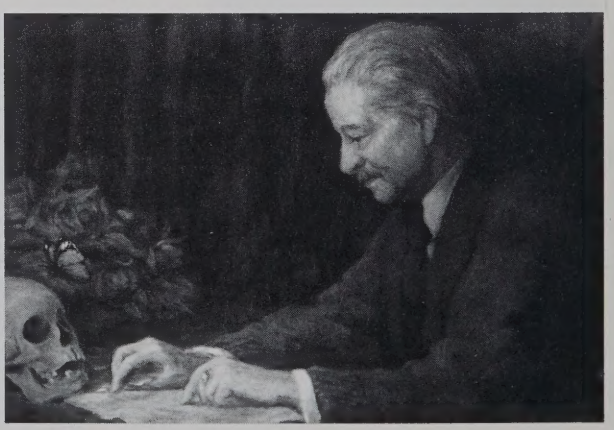

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Stolen Art

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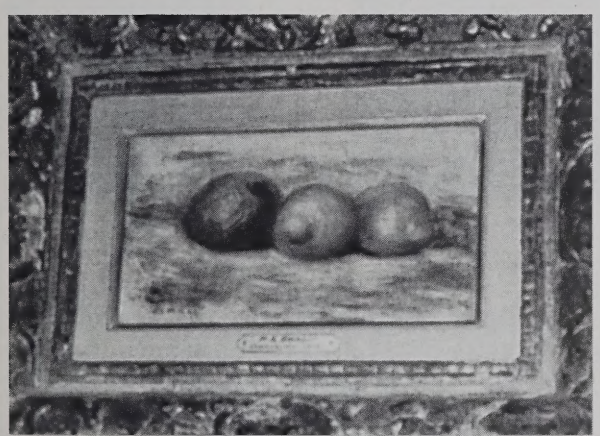
PAINTINGS

139. Lee Greene Richards. *Portrait of Alice Merrill Horne*, 1932. Oil. Signed l/r. *N88.258.

140. Adolf Schreyer (German, 1828-99). *Arabian Riders on Horses.* Oil. 45.7 x 30.5 cm. *N88.266.

141. Pierre Auguste Renoir (French, 1841–1919). *Still Life with Fruit.* Oil on canvas. 5¾ x 9½ in. *N98.419. Lost in transit between Los Angeles and New York around August 6, 1998.

142. François Alfred Delobbe (French, 1835–1920). *Jeune fille avec fleurs.* Oil on canvas. 52 x 29½ in. Signed l/l. *N98.477. New York, NY. December 1997.



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PRINTS

143. Keith Haring (American, 1958–90). *Statue of Liberty.* Silkscreen. 37 1/2 x 28 1/4 in. Signed l/r "K. Haring, 86" in pencil. Ed. 100+, No. 11. Statue in bright green with yellow men on a red ground with white margin. *N98.431. New York, NY. April 6, 1998.

143

SCULPTURE

PRE-COLUMBIAN

144. Olmec Stone Figure. Ca. 1000-500 B.C. 3.75 x 2.5 x 2.5 in. *N98.469. Stolen from a display table at an art show in New York City on Oct. 10, 1998.

144

Stolen Art

SCULPTURE

145. Late 19th-century . *Angel.* Bronze. Ht: 3 ft. W. 3 ft. D. 3 ft. Missing right foot. *N98.485. West Hazleton, PA. Discovered missing from a locked vault in a mausoleum sometime in 1988.

146. Albert Ernest Carrier Belleuse (French, 1824–1887). Bronze bust of Rembrandt. Signed on the black wooden base. Ht. 29.0 cm. *N98.484.8. Winchcombe, Gloucestershire, U.K. Jan. 20, 1998.

147. Robert Laurent (American, 20th century). *Music.* Cast stone multiple. 14 ¾ in. high. *N98.454. New York, NY. Oct. 8, 1998.

148. French, 19th century. *Leda and the Swan.* Bronze. Ht. 14 in. *L98.2381.2. Kent, England. June 5, 1998.

149. Frances Derwent Wood (English, 1871–1926). Bronze figure of a woman, ca. 1890. Ht. 19 in. *L98.2381.3. Kent, England. June 5, 1998.

145

146

147

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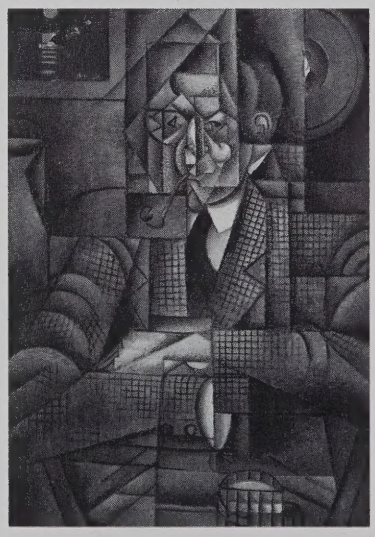
149

Missing Art

12. Jean Metzinger (French, 1883–1956). *American Man with a Pipe (The Smoker)*, 1912. Oil on canvas. 36½ x 26 in. *N98.442. Brooklyn, NY. Lost between July 27 and August 2, 1998.

13. Helen Torr (American, 1886–1967). *Chartreuse Composition.* Oil on canvas. 12 x 10 in. *N98.470. Lost in transit between New York and Washington on February 25, 1998.

14. Bernard Buffet (French, 1928–). *Mairie du Village.* 46.0 x 55.0 cm. *N98.487.2. One of three paintings by Buffet discovered missing on September 15, 1998 from a New York location.



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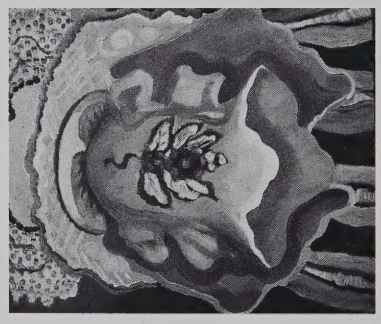

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Ten Important Thefts in 1998

Andy Warhol (American, 1928–87). *Self Portrait.* *L98.1805.

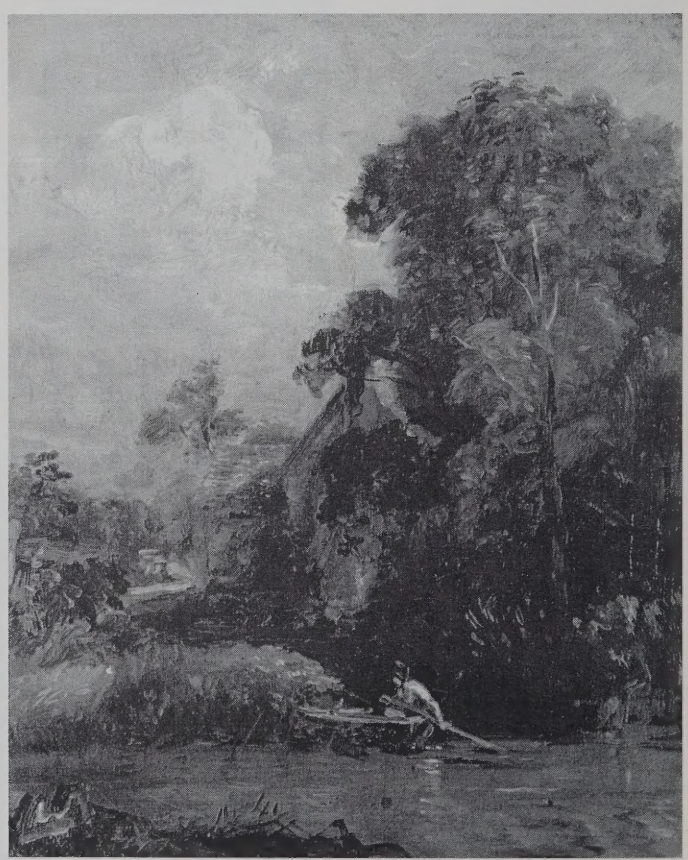
This painting, valued at £200,000, was stolen from a private residence in England.

Bronze equestrian portrait of Louis XIV dressed as a Roman emperor. Ht. 110 cm. L. 92 cm. D. 52 cm. *L98.1550.

This was one of three sculptures and three clocks stolen from Vaux-le-Vicomte, a chateau in France, on June 23, 1998.

Jean-Baptiste Camille Corot (French, 1796–1875). *Le Chemin de Sèvres.* Oil on canvas. 34 x 49 cm. Signed l/r. The inventory number "RF 1352"is stencilled on the back of the canvas. *L98.897.

This painting, listed as part of the French national heritage and belonging to the Louvre since 1902, was stolen from the museum in Paris on Sunday, May 3, 1998. Although more than 20,000 people were in the museum at the time, the thief cut the work from its frame and escaped undetected.



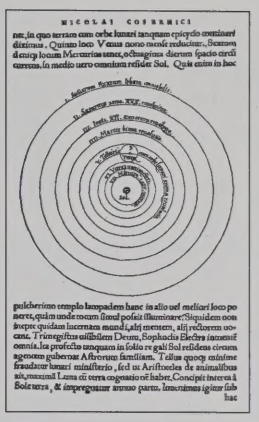
John Constable (English, 1776–1837). Two sketches for finished oil paintings. *The Valley Farm* (bottom photo), ca. 1835, and *Dedham Mill and Lock* (top photo), ca. 1810–15. Each 8 x 6 in. *L98.2551.

In November, staff reported these two works missing from the Victoria and Albert Museum's prints, drawings, and paintings storeroom in London. The storeroom was only open to V&A staff and approved visitors, such as researchers. The two sketches are worth a total of $1.3 million.

Ten Important Thefts in 1998

Alfred Sisley (French, 1839–1899). *Le jardin au bord de l'eau.* Oil on canvas. 26 x 39.5 cm. *L98.882.1.

Stolen from a museum in Orleans, France in April 1998.



Nicolaus Copernicus (Polish, 1473–1543). *On the Revolution of the Heavenly Spheres.*

This rare first-edition, one of only 400 to 500 copies printed in 1543, was stolen from the library in Kiev, Ukraine in August by a researcher with false identification papers. The book expounds Copernicus' heliocentric theory of the universe. The stolen copy, valued at approximately $200,000, has a 16th-century binding and handwritten provenances on the title page.

Bronze Sculpture of a Boar. Gallo-Roman period. Ht. 3 cm. L. 4.2 cm. *L98.1295.1.

This sculpture, featured on Interpol's Most Wanted List, was stolen from a museum in Nantes, France between Jan. 8 and Feb. 9, 1998. Interpol no. E-48/4-1998.

Swift Dog (Lakota Sioux, 19th century). Ledger drawing, ca. 1870. Approx. 8½ x 11 in.

On July 24, 1998, ten Native American ledger drawings were stolen from a private residence in Santa Fe, New Mexico. Seven of these, including the one shown here, are attributed to Swift Dog, a Lakota Sioux warrior who fought at the battle of Little Big Horn. This theft is reported in the FBI's National Stolen Art File.

Edward Henry Weston (American, 1886–1958). *Half Shell Nautilus,* 1927. 8 x 10 in.

On June 10, 1998, 120 rare black-and-white photographs were stolen from a van parked at a hotel in Houston, Texas. All the pieces were owned by the Halstead Gallery in Birmingham, Michigan. This theft is reported in the FBI's National Stolen Art File.

Ten Important Recoveries in 1998

Willem de Kooning (Dutch, 1904–97). *Untitled.* Oil on paper, mounted on canvas. *L91.368.1.

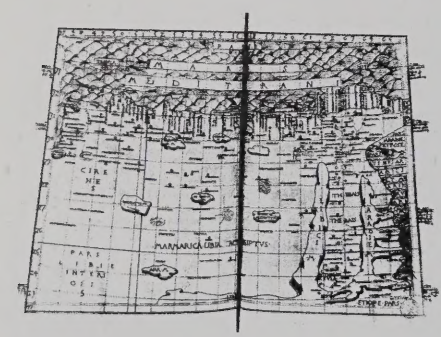
This painting was stolen from a gallery in New York in 1990 and recovered after a member of the New York ALR staff spotted it in an auction sales catalogue.

James Jacques Joseph Tissot (French, 1836-1902). *Still on Top.* *L98.2030.

In early August, an armed thief stole this painting, valued at nearly $1 million, from the Auckland City Art Gallery Toi O in front of stunned staff and patrons. Police found the painting hidden under a bed at a nearby farm two weeks later.

Claude Monet (French, 1840–1926). *The Cliffs of Dieppe,* 1897. Oil on canvas. 65 x 100 cm. *L98.216.2.

In late September, this painting was stolen along with Alfred Sisley's *Lane Lined with Poplars Near Moret* from the Cheret Fine Arts Museum in Nice. The works were on loan from the French State. The curator, Jean Forneris, faked his own abduction by thieves, who, he claimed, had broken into his home and forced him at gunpoint to let them into the museum after hours. The thieves overpowered guards, tied up staff members, and fled with the two paintings in the curator's car. The works were recovered several days later on a boat docked at the nearby port of Saint Laurent du Var. Forneris knew one of the thieves and later admitted his collaboration.



Ptolemy (Greco-Egyptian, 2nd century A.D.). *Cosmographia.* *N98.117. Interpol no. E-144/11-1997.

French police recovered *Cosmographia,* one of the earliest printed atlases, in London in May 1998, nearly one year after it was stolen from the Bibliothèque Nationale in France. The atlas was printed in Bologna, Italy in 1477 by Domenico de Lapi and is valued at around five million francs. The police discovered the atlas in a catalogue from Christie's, where it had been offered for sale by a Frenchman with false ownership papers.

Piet Mondrian (Dutch, 1872–1944). *Boom,* ca. 1908-09. Oil on paper laid down on canvas. 27.2 x 38.4 cm.

Thieves stole this painting from the Zeeuwse Museum in Middelburg on September 25, 1998. The combined efforts of local and Dutch police led to the painting's recovery in Antwerp, Belgium after the thieves demanded a ransom from the insurance company.

Ten Important Recoveries in 1998

These three Post-Impressionist paintings were recovered unharmed by Italian police on July 6, 1998 in pre-dawn raids in Turin and Rome. Eight people were arrested, including an employee of the National Gallery of Modern Art in Rome, from which the works were stolen in an armed robbery on May 19. The Van Gogh paintings are the only oils by the artist in Italy, and the Cézanne is the only major work by him in Italy.

Van Gogh (Dutch, 1853–90). *Le Jardinier* [detail shown]. Oil on canvas. 61.0 x 50.0 cm. *L98.1288.2.

Van Gogh (Dutch, 1853–90). *L'Arlesienne*, 1890. Portrait of Madame Ginoux. *L98.1288.1. Oil on canvas. 65.0 x 50.0 cm. One of three similar portraits that Van Gogh based on a drawing made by Paul Gauguin when Gauguin was in Arles in 1888.

Paul Cézanne (French, 1839–1906). *Le Cabanon de Jourdan*, 1906. *L98.1288.3. Oil on canvas. 65.0 x 81.0 cm. This is thought to be the last landscape made by Cézanne before he died in October 1906.

Antonio Canaletto (Italian, 1697–1768). *Il fonteghetto della farina.* Oil. *L98.2471.

In October thieves stole this painting, valued at $2.4 million, from the private collection of the Giustiniani Palace in Venice. Two other paintings and several decorative arts objects were also taken. Police recovered the three paintings near Rome in late November after the two culprits turned themselves in.

Camille Pissarro (French, 1830–1903). *Bassins Duquesne et Berrigny à Dieppe, Temps Gris*, 1902. Oil on canvas.

This painting was spotted on the cover of an auction catalogue from Wolf's Fine Arts Auctioneers in Cleveland. The FBI seized it two days before the scheduled sale on October 24 after several people identified it as one of nine paintings stolen in 1978 in Worcester, MA. [see article on p. 4.]

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